

M E M O R A N D U M


Department of Environmental Quality
Water Division - Office of Water Resources Management

P.O. Box 11143

Richmond, Va. 23230

Subject: OWRM Guidance Memorandum No. 93-020
VPDES and VPA Permit Manual DEQ revisions

To: Regional Directors

From: 
Larry G. Lawson, P.E.
Director, Office of Water Resources Management

Date: July 26, 1993

Copies: Bob Burnley, Martin Ferguson, Dave Paylor, Ron Gregory,
Chet Bigelow, Water Resource Managers, OWRM Permits Staff

This memo is to transmit revised VPDES and VPA Permit Manual pages to the regions. The purpose of these revisions is to reflect the agency name change from the State Water Control Board to the Department of Environmental Quality. These revised pages will provide a consistent format for communications with permittees and other parties involved in the permitting process. In conjunction with this memo, an addendum containing PTS system revisions on disk to reflect the agency name change in all PTS generated documents is being distributed by Allen Newman. Allen is hoping to have the PTS updates completed by mid August. Please update PTS systems with these changes when you receive them.

In the revised Permit Manual pages, the **Draft Permit/PN letter to owner** has been revised to improve readability based on comments received from regional personnel. The revised letters can be found on the following manual pages:

VPDES Permit Manual: III-A81

VPA Permit Manual: I-A35

In the revised VPDES Permit Manual pages, the **chlorine test method reporting requirement in the chlorine special conditions pages has been deleted**. It is expected that periodic inspections of the laboratories performing these tests will verify the appropriateness of the test methods being used and a specific notification by the permittee to the RO is not required. The deletions appear on the following manual pages:

Appendix MN: MN-77, MN-83, MN-99, MN-106

Appendix IN: IN-91, IN-96, IN-112

Please feel free to contact me if you have any questions on this matter.

The following pages from the VPA manual have been revised to reflect the agency name change from the State Water Control Board to the Department of Environmental Quality, Water Division. Please replace the existing pages in the manual with these new pages. In cases where pages have been replaced previously, these new pages will incorporate those changes also. See page I-9 for an example of this.

Section Pages

Appendix Pages

Manual Cover Page

I-A9, I-A10, I-A15, I-A16, I-A25 thru
I-A28, I-A31, I-A32, I-A35 thru I-A55

INTRO-1 thru INTRO-10

II-A1 thru II-A5, II-A25 thru II-A42

I-1, I-2, I-5 thru I-13

III-A1, III-A2, III-A19 thru III-A32,
III-A37 thru III-A42b, III-A47 thru
III-A60

II-3 thru II-6

III-1 thru III-5

IV-A1, IV-A2, IV-A5 thru IV-A22,
IV-A25, IV-A26, IV-A29 thru IV-A42,
IV-A49 thru IV-A54

IV-1 thru IV-5

VI-1

V-A5 thru V-A15

VII-1 thru VII-14

VIII-1 thru VIII-17

IX-1 thru IX-4

The above pages reflect the standardized format to be used due to the agency name change from SWCB to DEQ. There are several additional changes included to improve the readability of the manual but this is **NOT** a major update. As such, the page numbers will stay the same with the revision.

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION
VIRGINIA POLLUTION ABATEMENT (VPA) PERMIT
PROCEDURES MANUAL

(Guidance for processing Virginia Pollution Abatement Applications and Permits which authorize the management of nonhazardous pollutants generated from animal feeding operation, industrial and municipal wastes that are not discharged from a point source.)

INTRODUCTION VPA PERMIT MANUAL

This manual has been prepared by the Office of Water Resources Management (OWRM) staff with the assistance of the Regional Offices. It is an internal agency procedural document to be used by the Department of Environmental Quality, Water Division staff in processing VPA permits in conformance with Laws and Regulations.

This document is designed to reflect DEQ, Water Division policy and regulation; however, it should not be construed to be an official policy or regulatory document.

This document is subject to change at any time without notice.

INTRODUCTION VPA PERMIT MANUAL

INTRODUCTION VPA PERMIT MANUAL

PURPOSE OF THE VIRGINIA POLLUTION ABATEMENT PERMIT MANUAL

The purpose of this manual is to provide instruction and guidance on Virginia Pollution Abatement (VPA) Permit processing procedures for the Regional Office (RO) permit writers and new personnel in order to standardize permitting administration and ensure basic consistency among the ROs. To fulfill this purpose, the manual has been separated into narrative Sections and the Appendixes in order to perform two functions, respectively:

1. describe the step-by-step procedures that make up the permit writing process; and
2. provide a single location for the forms, letters and memorandums required in the permit writing process.

The VPA Permit Manual narrative sections present procedural steps which shall be followed in the development of VPA permits. If the RO desires to make a change in the permitting procedures included in these sections, approval shall first be obtained from the OWRM Permits Program Manager or the OWRM Director. **The request for a change must come in the form of a Variance Request from the Water Resources Manager to the Permits Program Manager. The Variance Request must state clearly the change being requested and must be received by OWRM prior to the completion of permit drafting and approved by OWRM prior to VDH or owner review of the Draft Permit.**

The VPA Permit Manual Appendixes provide standard forms, letters and memorandums used in the administration of the VPA program. The RO may make minor modifications to the forms, letters and memorandums as presented in the Appendixes. These modifications should be limited to corrections of typographical errors and/or the inclusion of additional information. Changes of this type do not require manual variances from OWRM. The basic information included in the forms, letters and memorandums shall be considered minimum requirements and shall not be deleted or changed. A hard copy of the document(s) or correspondence which will verify the consideration, rationale and/or completion of all procedural steps described in this manual shall be maintained in the RO files.

Procedures contained herein shall remain in effect unless they are formally modified and approved by the Permits Program Manager or the Director of OWRM.

INTRODUCTION VPA PERMIT MANUAL

BASIS FOR MANUAL

The following documents provide the basis for this manual:

1. State Water Control Law
2. Permit Regulation VR 680-14-01
3. Procedural Rule No. 1 - Public Hearings
4. Board Approved Policies and Procedures
5. Sewerage Regulations
6. Guidance Memos

AUTHORIZATION AND REGULATIONS

The authority for the issuance, modification, revocation and reissuance, or termination of State VPA Permits is vested in the Board by the State Water Control Law (the Law, SWCL) §62.1-44.2, et. seq. of the Code of Virginia (1950), as amended; specifically, §62.1-44.15.(5), §62.1-44.15.(9), §62.1-44.16., §62.1-44.17., §62.1-44.18., §62.1-44.18:2., §62.1-44.19., and the Permit Regulation, VR 680-14-01.

RESPONSIBILITIES

- A. OWRM, through its Permits Division, is responsible for the administration of the VPA Permit Program.
- B. The Regional Directors are responsible to the Director of the Water Division for adherence to this manual and all aspects of the VPA Permit Program other than administration.

INTRODUCTION VPA PERMIT MANUAL

KEY

AGO	Attorney General's Office
AW	Animal Waste
CEC	Cation Exchange Capacity
CCE	Calcium Carbonate Equivalency
CFR	Code of Federal Regulations
CWA	The Clean Water Act, as amended (The Act)
DEQ	Virginia Department of Environmental Quality
DSWC	Department of Soil and Water Conservation
DWM	Department of Waste Management
EPA	U. S. Environmental Protection Agency
IW	Industrial Waste
LGOF	Local Government Ordinance Form
MBAS	Methylene Blue Active Substances
MW	Municipal Waste
NDC	No Discharge Certificate
NMP	Nutrient Management Plan
NOV	Notice of Violation
O&M	Operations and Maintenance
OECA	Office of Enforcement and Compliance Auditing
OERS	Office of Environmental Research and Standards
OPA	Office of Policy Analysis
OWRM	Office of Water Resources Management
PAN	Plant Available Nitrogen
PCB	Polychlorinated Biphenyls
PN	Public Notice
POTW	Publicly Owned Treatment Works
PVOTW	Privately Owned Treatment Works
RD	SWCB Regional Director
RO	Regional Office (ROs, plural)
RSS	Regulatory Services Supervisors
SCS	USDA Soil Conservation Service
SIC	Standard Industrial Classification (US-OMB)
STP	Sewage Treatment Plants
SWCB	State Water Control Board
SWCL	State Water Control Law (the Law)
TOD	Total Oxygen Demand
USDA	U. S. Department of Agriculture
VDH	Virginia Department of Health
VPA	Virginia Pollution Abatement
VPI & SU	Virginia Polytechnic Institute and State University
WRM	Water Resources Manager

INTRODUCTION VPA PERMIT MANUAL

DEFINITIONS

Activity - see Facility and Pollutant management activity.

Administratively complete - an application is considered to be administratively complete when it is verified that an original and one copy of the appropriate VPA application forms have been submitted with all necessary blanks accurately filled in and the proper signature applied; and the LGOF, SCC Certificate and/or the DSWC approved NMP is attached, if respectively required.

Agronomic rate - the rate of land application of wastewater or waste based upon the Plant Available Nitrogen (PAN) requirement of the crops on site.

Animal units - a means of determining the size of an animal feeding operation (which does not otherwise meet the Concentrated or Intensified criteria) by adding the following numbers:

- 1.0 times the number of slaughter and feeder cattle, plus
- 1.4 times the number of mature dairy cattle (milking or dry), plus
- 0.4 times the number of swine each weighing over 25 kilograms (approx. 55 pounds), plus
- 2.0 times the number of horses, plus
- 0.1 times the number of sheep or lambs, plus
- the number of turkeys divided by 55, plus
- the number of laying hens or broilers divided by 100, plus
- for each type of animal not listed above, the number of animals confined times their average weight, divided by 1000 pounds.

Animal feeding operation - a lot or facility together with any associated treatment works where the following conditions are met:

1. animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and
2. crops, vegetation forage growth or post harvest residues are not sustained over any portion of the operation of the lot or facility.

Two or more animal feeding operations under common ownership are considered to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of waters.

Animal sludge management plan - a Nutrient Management Plan (NMP).

Clean Water Act (CWA) - (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Public Laws 95-217, 96-483, 97-117, 33 U.S.C. 1251, et seq.

INTRODUCTION VPA PERMIT MANUAL

Concentrated animal feeding operation - an animal feeding operation which requires a treatment works to store wastewater or otherwise prevent a point source discharge of wastewater pollutants to State waters from the animal feeding operation, except in the case of a 25 year-24 hour or greater storm event, and where more than the following number and types of animals are confined:

1. 1,000 slaughter and feeder cattle
2. 700 mature dairy cattle (whether milked or dry cows)
3. 2,500 swine each weighing over 25 kilograms (approximately 55 pounds)
4. 500 horses
5. 10,000 sheep or lambs
6. 55,000 turkeys
7. 100,000 laying hens or broilers
8. 1,000 animal units

Consent decree - a unilateral instruction by a judge to the parties involved (this may or may not involve the Board or DEQ).

Consent order - an administrative action of the State Water Control Board directed to a permittee.

Delegated facilities - facilities for which OWRM review and concurrence are not required for VPA permit actions. Regional Directors have the authority to sign delegated permits on behalf of the Director, including:

1. facilities housing animal feeding and/or intensified animal feeding operations of less than or equal to 1,000 animal units which do not require water quality monitoring;
2. wastewater recycling systems not involving land application, such as those serving:
 - a. Sand and gravel washing operations
 - b. Concrete mixing plants
 - c. Fertilizer dealerships
 - d. Asphalt plants
 - e. Car washes
 - f. Water treatment plants;
3. temporary storage facilities where wastewaters are eventually pumped and hauled to a local sewage treatment plant (Pump and Haul);
4. land application of non-contact cooling water.
5. land application of municipal sewage sludge.

Draft permit - a document indicating the tentative decision to issue, modify or reissue a permit, or revoke an NDC and issue a VPA permit. A notice of intent to deny is a type of draft permit which must follow the same procedures as any draft permit.

INTRODUCTION VPA PERMIT MANUAL

Facility or activity - any VPA facility (including land or appurtenances thereto) or activity subject to regulation under the VPA program.

Frequent application - land application of wastewater or sludge in excess of 70% the agronomic rate at a frequency greater than once in a 5 year (1/5) period.

Industrial facility - an establishment engaged as an economic unit, generally at a single location, where business is conducted, services or industrial operations performed and in which raw materials are changed into useful products.

Industrial waste - liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

Infrequent application - land application of wastewater or sludge up to the agronomic rate at a frequency of once in a 5 year (1/5) period.

Intensified animal feeding operation - an animal feeding operation at which treatment works are required to store wastewater or otherwise prevent a point source discharge of wastewater pollutants to State waters from the feeding operation except in the case of a 25 year-24 hour or greater storm event and where **less than or equal to** 1,000 animal units but **more than** the following number and type of animals are confined:

1. 300 slaughter and feeder cattle
2. 200 mature dairy cattle (whether milked or dry cows)
3. 750 swine each weighing over 25 kilograms (approximately 55 pounds)
4. 150 horses
5. 3,000 sheep or lambs
6. 16,500 turkeys
7. 30,000 laying hens or broilers
8. 300 animal units

Land application - the introduction of animal waste, wastewaters or sludge into or onto the ground for treatment or reuse.

Municipal facilities - Publicly Owned Treatment Works (POTW), a house, store, school, subdivision or other entity with a treatment facility that receives and treats wastewater from primarily domestic sources.

Municipality - a city, town, county, district, association, authority, other public body created by or under State law and having jurisdiction over disposal of sewage, industrial, or other wastes; an Indian tribe or an authorized Indian tribal organization; a designated and approved management agency under section 208 of CWA.

Municipal waste - effluent or sewage sludge from a municipal facility.

INTRODUCTION VPA PERMIT MANUAL

Nitrogen - an element of matter and an essential nutrient often present in wastewater as ammonia, nitrate, nitrite and organic nitrogen.

Non-Delegated Facilities - facilities for which OWRM review and concurrence is required for VPA permit actions, including:

1. facilities other than those defined as delegated, including industrial and municipal facilities
2. concentrated animal feeding operations greater than 1,000 animal units
3. animal feeding operations of less than or equal to 1,000 animal units which require water quality monitoring

Non-Process Wastewater - water that does not come in contact with products, by-products, waste, or wastewater (e.g. non-contact cooling water).

Nutrients - any substance used by organisms that promotes growth; generally applied to nitrogen and phosphorus in wastewater.

Other Waste - decayed wood, sawdust, shavings, bark, lime, garbage, refuse, ashes, offal, tar, oil, chemicals and all other substances, except industrial wastes and sewage, which may cause pollution in any State waters.

Person - any firm, corporation, association or partnership, one or more individuals, or any governmental unit or agency thereof.

Plant Available Nitrogen (PAN) - the amount of nitrogen available to the crop for the current growing season. The PAN is based upon the characteristics of the nitrogen source applied to the crops and the method of application to the cropping site.

pH - a measure of the hydrogen ion concentration in a solution. On the pH scale of 0 to 14, a value of 7 at 25 degrees C represents a neutral condition.

Phosphorus - an element of matter and an essential nutrient found in orthophosphate, pyrophosphate, tripolyphosphate and organic phosphate forms.

Pollutant - any substance, radioactive material or heat which causes or contributes to, or may cause or contribute to pollution.

Pollutant management activity - any activity under the Law and the Permit Regulation, including storage and recycle, which involves a pollutant and is not a point source discharge to surface waters.

INTRODUCTION VPA PERMIT MANUAL

Pollution - such alteration of the chemical, physical or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses.

Privately Owned Treatment Works (PVOTW) - any sewage treatment works not publicly owned.

Process Wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

Publicly Owned Treatment Works (POTW) - any sewage treatment works that is owned by a State or municipality. Sewers, pipes, or other conveyances are included in this definition only if they convey wastewater to a POTW providing treatment.

Regulations - 40 CFR and the Permit Regulation (VR 680-14-01).

Reissuance - internal Water Control Board term that refers to the process by which a VPA permit is issued again to the permittee.

Revocation - the act of discontinuing the certification of a facility or activity authorized by an NDC. Revocation may require the simultaneous issuance of a VPA permit if the facility or activity is subject to regulation under the VPA program.

Sewage - water-carried human wastes from residences, buildings, industrial establishments or other places together with such industrial wastes, underground, surface, storm or other water, as may be present.

Shall - indicates a mandatory requirement.

Should - indicates a recommendation.

Standard Industrial Classification (SIC) - is the classification of establishments by type of activity in which they are engaged. The SIC codes are listed in the Standard Industrial Classification Manual produced by the federal Office of Management and Budget. All DEQ, Water Division Regional Offices have a copy of the 1987 edition of this manual.

Subsurface injection - land application of (1) liquid sludge which is injected into the plow layer; (2) sludges incorporated into the soil on the same day of application onto the soil surface.

Virginia Pollution Abatement (VPA) Permit - a document issued by the Board pursuant to Permit Regulation which, under prescribed conditions, authorizes the management of pollutants or activities that are not authorized by VPDES Permits. VPA Permits may be issued to authorize land application of wastewater or sludge or the complete reuse and recycling of wastewater.

SECTION I ISSUANCE/REISSUANCE APPLICATION PROCEDURES

I A. Permit Applications

The Virginia Pollution Abatement (VPA) Permit is a document issued by the State Water Control Board (SWCB) pursuant to the Permit Regulation which, under prescribed conditions, authorizes the management of pollutants or activities that are not authorized by VPDES Permits. These activities may include the land application of wastewater or sludge, or the complete reuse and/or recycling of wastewater.

1. General Instructions

Every owner or owners's agent who applies to the DEQ, Water Division for approval of pollutant management facilities which will not discharge to a municipal treatment works or to State waters pursuant to a valid VPDES permit, shall complete a VPA permit application Form A in its entirety.

The following forms must also be completed depending upon the type of waste being managed:

- a. Form B Animal Waste
- b. Form C Industrial Waste
- c. Form D Municipal Waste

Unless otherwise specified in the instructions for the forms, each item of every required form must be answered by the owner. If a particular item does not fit the circumstances or characteristics of the facility, the owner shall enter an "N/A", meaning "not applicable".

2. Preliminary Meeting

- a. During the initial contact with the owner or before the application is submitted to the appropriate DEQ, Water Division Regional Office (RO) for approval, advise the owner that a preliminary meeting should be arranged prior to his/her completing any part of the application. A preliminary meeting is particularly relevant for new land application projects.
- b. The purpose of the preliminary meeting is to establish an overall understanding of the permitting process and the proposed project, to discuss the feasibility of the project, explain potential interagency jurisdictions and present any informational requirements which may need to be submitted with the application.
- c. If a meeting is necessary, the RO will arrange a suitable date for the meeting with the applicant and advise the applicant, in general, of the information that will be discussed. In some cases, it may be necessary for the applicant to complete Form A before the RO can determine which additional forms will be required.

SECTION I ISSUANCE/REISSUANCE APPLICATION PROCEDURES

2. Preliminary Meeting (cont.)

- d. For industrial VPA applications, the RO may waive the requirement to test for one or more pollutants upon the determination that the available information on waste characteristics is adequate to support issuance of a permit. Waivers must be in writing and copied to the permit file.

3. Preliminary Site Visit

A preliminary site visit may be conducted in order to assess potential system deficiencies prior to the owner's undertaking of extensive design work. The decision to conduct such a visit is left with the Regional Office. Performing a site visit may eliminate processing delays due to ill conceived or improperly designed systems.

4. Application for an Unpermitted Facility

- a. At least 180 days prior to the date planned for commencing erection, construction, expansion or the employment of new processes at any site, the owner of new facility or activity shall submit a VPA application. There shall be no construction or operation prior to issuance of a permit except as provided in Section 2.1.A.2.b. of the Permit Regulation.
- b. Any owner of an existing facility or activity who manages or proposes to manage pollutants and who does not hold a permit shall submit an application within 30 days upon being requested to do so by the RO. See Section VI, **Interim Authorization** for existing pollution problems.
- c. If the owner submits an application for an animal feeding operation which does not have a point source discharge or 300 animal units, the RO may determine that a permit is not required. If a permit is not required, the owner shall be so notified by letter or in person and shall sign and return a VPA Permit Exemption Form (Appendix I).

5. Application for a Permitted Facility

- a. Any permittee with an effective permit shall submit a new application at least 180 days before the expiration of the effective permit unless permission for a later date has been granted.
- b. Owners currently managing pollutants who have an effective permit shall submit a new application 180 days prior to a proposed facility expansion, production increase or process modification.

6. VPA Permit Reissuance Notification

Send a Reissuance Reminder Letter (Appendix I) by certified mail to the owner no later than 240 days prior to the VPA Permit expiration date.

SECTION I ISSUANCE/REISSUANCE APPLICATION PROCEDURES

I B. Application Review

1. Application Receipt

When an application is received by the RO, it shall be date stamped to indicate the day it was received.

2. Initiate Tracking Sheet

When it is determined that a VPA permit is required, a Tracking Sheet shall be initiated by the RO. The RO may choose to use any form of a tracking sheet but, it shall contain, as a minimum, the categories found on the Tracking Sheet in Appendix I.

For a reissuance, the Tracking Sheet shall be initiated upon sending the Reissuance Reminder Letter to the permittee.

- a. Date and initials shall be entered next to each item as completed.
- b. The tracking sheet shall be placed in a file and made available during the RO permit file audits.

3. Virginia Department of Health (VDH)

- a. For municipal waste effluent/sewage sludge land application permits, the RO shall contact the VDH Regional Office to ensure they received the application. If VDH has not received a copy, the RO shall require the applicant to provide them a copy. For VDH addresses see Appendix I.
- b. For Industrial Waste applications: if Form C, Part C-I of an industrial application indicates there is a municipal waste contribution to the industrial waste stream, the RO should contact VDH. In some instances, VDH may wish to review these applications.
- c. VDH comments may come in two stages, a preliminary administrative review of the application and technical comments on the proposed pollutant management activity.

- (1) The preliminary VDH comments on the application should be received by the RO within 14 days after VDH receives the application and may address the following topics:

- Acceptability of the general concept of the project
- Health protection or public access concerns
- Specific problems which need to be addressed during permit drafting or plans and specs development
- Arrangements for joint site inspections

SECTION I ISSUANCE/REISSUANCE APPLICATION PROCEDURES

3. Virginia Department of Health (VDH) (cont.)

(2) Technical comments/objections may be provided by VDH and should be received by the RO within 60 days after VDH receives the application. These comments may cover the following topics:

- Soil scientist report
- Conclusions regarding site suitability
- Specific problems which need to be addressed during permit drafting or plans and specs development.

- d. VDH should review the application and forward any comments on the proposal to the RO. Processing of the application shall not be contingent on receipt of VDH comments. The RO should contact VDH if their comments have not been received prior to the drafting of the permit. VDH approval of VPA applications for land applications of municipal waste may be subject to certain conditions which should be contained within the permit.
- e. The RO shall advise the applicant to satisfy VDH objections to the application.

4. DEQ, Waste Division

If a facility manages pollutants which are considered to be hazardous, the application should be returned to the owner with instructions for him to contact the Department of Environmental Quality, Waste Division. The Waste Division should be sent a copy of the letter denying the permit.

5. Division of Soil and Water Conservation (DSWC)

For a Concentrated Animal Feeding Operation application, the RO shall contact DSWC Regional Office to ensure receipt of the application and a Nutrient Management Plan (NMP) for the facility. If the DSWC has not received these documents, the RO shall require the applicant to send them copies. For the DSWC addresses, see Appendix I.

6. Administratively Complete Application Package

The RO shall receive and review the following before the application package can be considered administratively complete: (1) complete originals plus one copy of the appropriate VPA application forms; (2) an LGOF, if required; (3) a SCC Certification, if applicable; (4) any attachments, if required.

- a. The RO shall, within a maximum of 14 days of receipt of the application, review it for administrative completeness.
- b. An application for an issuance shall be deemed administratively incomplete if an LGOF is not attached.

SECTION I ISSUANCE/REISSUANCE APPLICATION PROCEDURES

6. Administratively Complete Application Package (cont.)

- c. For Concentrated Animal Feeding Operations, a Nutrient Management Plan (NMP) which has been reviewed and approved by the DSWC shall be submitted with the application.
- d. If the application has not been filled out correctly, it shall be returned to the applicant with a letter noting the deficiencies. The deficiencies should be corrected by the applicant and the application returned. See Appendix I, Application Administrative Review Letter to Owner.
- e. The Water Resources Manager is responsible for reviewing and concurring with a permit writer's determination of an incomplete application.

7. Recording RO-Permittee Correspondence

When the RO receives no response from the permittee to a written request for information (i.e. application submittal, application deficiencies, draft comments, modification information, public notice authorization forms, public notice verification, etc.), the RO shall contact the permittee by telephone a minimum of one (1) time to try and resolve the problem. The call and its details shall be recorded in the RO permit file.

8. Technically Complete Application

- a. The RO shall complete the technical review of delegated permit applications within a maximum of 60 days from initial receipt and non-delegated permit applications within a maximum of 45 days of initial receipt. The RO shall review the non-delegated permit application for technical completeness before the application is forwarded to OWRM for review and concurrence.
- b. The application review process shall be completed in a maximum of 60 days from receipt of the initial application. The RO and OWRM shall make every effort to complete the application review process in less than 60 days.
- c. Technical review of the application shall include completion of the appropriate Application Checklist, if required, and a site inspection has been conducted.
 - (1) For recycling activities, Part A of the Land Application of the Industrial Waste Checklist shall be used.
 - (2) A site inspection is not required for a reissuance application if an inspection has been conducted within the last two years and no new sites or facilities are to be included in the reissuance.

SECTION I ISSUANCE/REISSUANCE APPLICATION PROCEDURES

8. Technically Complete Application (cont.)

- d.** Results of the site inspection should be documented and included in the permit file. The report should include the following, if possible:
 - (1) location of the proposed or existing pollutant management facility for which an application has been filed;
 - (2) location of nearest potential conveyances of storm water runoff, such as streams, ditches, etc.;
 - (3) determination of potential groundwater contamination sites;
 - (4) a description of the pollutant management facility sufficient to indicate familiarization;
 - (5) an assessment of the operation and maintenance of the existing facility as designed and its ability to meet permit conditions.
- e.** The RO has the authority to ask the permittee for additional information that was not requested or was of insufficient detail in the application form including pollution management information and concept engineering reports or preliminary engineering reports, where applicable.
- f.** The application should provide the permit writer with all the facility information necessary for development of a fact sheet/SOB. If the review reveals deficiencies and documents can not be developed from the information provided, the application may be deemed incomplete.
- g.** If the RO is not satisfied that the waste management facility will function as designed, the application process shall be stopped and the application and other pertinent documents shall be considered incomplete and returned to the owner for correction.
- h.** Plans and Specifications for pollution management activities that have been previously approved by the DEQ, Water Division may be used if the owner has stated in writing the facility or activity has not been modified.
- i.** Use the Application Technical Review Letter to Owner (Appendix I) to request additional information and/or return applications.

9. Permit Application Denial

During the review of the application, a determination may be made to deny the application. If there are questions about denying the application, the RO shall contact OWRM. If the determination is made to deny the application, follow the instructions in Section IX.

SECTION I ISSUANCE/REISSUANCE APPLICATION PROCEDURES

10. Identify Non-delegated Permits

In order to decide how the permit shall be processed, the RO must determine if the facility requires a non-delegated permit. Non-delegated permits require OWRM review and concurrence on both the application and the draft permit. These permits are to be signed by the OWRM Director. Facilities issued Non-delegated Permits include:

- a. industrial and municipal facilities other than those defined as delegated;
- b. concentrated animal feeding operation confining greater than 1,000 animal units; or
- c. animal feeding operations confining less than or equal to 1,000 animal units which require water quality monitoring.

11. Identify Delegated Permits

Delegated permits do not require OWRM review or concurrence. They are reviewed and processed by the Regional Office. Regional Directors are authorized to sign delegated permits for the Director. Facilities issued Delegated Permits include:

- a. facilities housing animal feeding and/or intensified animal feeding operations of less than or equal to 1,000 animal units for which monitoring requirements and conditions are applied to protect water quality;
- b. facilities utilizing wastewater recycling systems not involving land application, such as those serving:
 - (1) sand and gravel washing operations
 - (2) concrete mixing plants
 - (3) fertilizer dealerships
 - (4) asphalt plants
 - (5) car washes
 - (6) water treatment plants;
- c. temporary storage facilities where wastewaters are eventually pumped and hauled to a local sewage treatment plant (Pump and Haul);
- d. land application of non-contact cooling water.
- e. land application of municipal sewage sludge.

12. Application Processing Non-delegated Permits

- a. The RO technical review of the application, the site inspection and completion of the Application Checklist shall be performed within a maximum of 45 days from receipt of the initial application. Delays shall be documented in the Fact Sheet and in the Permit Approval Memorandum.

SECTION I ISSUANCE/REISSUANCE APPLICATION PROCEDURES

12. Application Processing Non-delegated Permits (cont.)

- b.** Submit the application, site inspection comments, Application Checklist and a memo summarizing the RO's review to OWRM for review and concurrence. Use the Routing and Transmittal Slip found in Appendix I. OWRM shall have a maximum of 14 days from receipt of the documents to comment and/or concur.

Do not send draft permits at this time. Permits should not be drafted until after OWRM has concurred with the application package.

- c.** The combined Regional and OWRM review shall occur within a maximum of 60 days from receipt of the initial application. The RO and OWRM shall make every effort to complete the application review process in less than 60 days.
- d.** The 120-day period that the Department has to issue or deny a permit shall begin upon receipt of OWRM concurrence with the application and the Application Checklist.
- e.** Note the date of the complete application on the tracking sheet.

13. Application Processing Delegated Permits

- a.** The RO technical review of the application, the site inspection, optional completion of the Application Checklist and determination that the permit application package is technically complete shall be performed within a maximum of 60 days from receipt of the initial application. Delays shall be documented in the SOB and in the Permit Approval Memorandum.
- b.** The 120-day period during which the Department has to issue or deny a permit shall begin upon the RO's determination that the aforementioned items have been completed.
- c.** Note the date of the complete application on the tracking sheet.
- d.** If the RO requires procedural or technical assistance during the review of a delegated application, a copy of the application shall be forwarded to OWRM. A Routing and Transmittal Slip shall be used, clearly stating what assistance is needed. OWRM will have a maximum of 14 days to respond.
- e.** The RO and OWRM shall make every effort to complete the application review process in less than 60 days from initial receipt.

SECTION I ISSUANCE/REISSUANCE APPLICATION PROCEDURES

14. Incomplete Application

- a. If an application is deemed incomplete based on the information developed during the application review, an Incomplete Application Memo shall be written to the RO Water Resource Manager (WRM). The WRM is responsible for reviewing and concurring with a permit writer's determination of an incomplete application package.
- b. The RO shall return the application to the permittee with an Application Administrative or Technical Review Letter to Owner (Appendix I), as appropriate, noting the information required to correct and/or complete the application package.
- c. The deficiencies should be corrected and the application returned to the RO.
- d. In an effort to avoid returning the application to the owner for minor deficiencies which will not affect permit Monitoring Requirements and Special Conditions, the RO may verbally request the owner submit the information in writing (document all phone conversations). This written submittal then becomes an attachment to the application.
- e. If information developed during any portion of the permitting process contradicts the information supplied in the application, the application may be returned to the owner for correction or clarification. Further processing shall be suspended until the requested information is furnished. The 120-day processing clock is stopped and starts over at day 1 when the issues are resolved.

15. Assign Permit Numbers

The Regional Offices are responsible for issuing their own VPA permit numbers. The permit number shall consist of eight (8) characters beginning with the letters "VPA"; i.e., VPA00021. The following list designates the numeric ranges of VPA permit numbers assigned to each RO:

VPA00001-0500	-	NRO
VPA00501-1000	-	PRO
VPA01001-1500	-	TRO (Includes Kilmarnock)
VPA01501-2000	-	VRO
VPA02001-2500	-	WCRO
VPA02501-3000	-	SWRO

- a. **Non-delegated Permits:** Upon receipt of OWRM concurrence with the application package and the Application Checklist, the RO shall assign a VPA permit number to the application.
- b. **Delegated Permits:** Upon receipt and determination of a complete application package, completion of the Application Checklist (as applicable) and site inspection, the RO shall assign a VPA permit number to the application.

SECTION I ISSUANCE/REISSUANCE APPLICATION PROCEDURES

I C. Existing No Discharge Certificates (NDC)

1. Revoking No Discharge Certificates (NDC)

The Permit Regulation requires that all NDCs must be revoked by July 1, 1998. VPA permits, if required, shall be issued in their place.

2. Revocation of an NDC With an Expiration Date.

- a. The RO shall send a Reissuance Reminder Letter (Appendix I) to the owner no later than 240 days prior to the NDC expiration date. This letter shall be sent by certified mail with return receipt requested.
- b. The RO shall enclose an NDC Revocation Agreement Form (Appendix I) to be signed by the permittee. Revocation is only necessary if a VPA permit is to be issued before the expiration date of the NDC.
- c. If the permittee fails to return a completed Revocation Agreement Form and the RO decides that revocation may be necessary, the RO shall make every reasonable effort to obtain the permittee's signature on the form. Reasonable efforts include the initial Reminder Letter, follow up letters, site visits and telephone calls, all of which shall be documented in the permit file. If there is still no agreement on the proposed revocation, the RO staff shall follow the Public Hearing Procedures (Section III).
 - (1) The RO shall prepare an Approval Memorandum (Appendix II) from the Regional Director to the Director, recommending a public hearing be convened to consider the certificate in question.
 - (2) Following Director concurrence, OPA will make all the necessary preparations.
- d. Upon receipt of the signed NDC Revocation Agreement Form and VPA permit application, normal VPA permit processing procedures shall be followed. An LGOF is not required if the VPA permit issuance is the result of an administrative NDC revocation and there are no new land application sites.

3. Revocation of an NDC Without an Expiration Date.

- a. As scheduled by the RO, send an NDC Revocation Letter (Appendix I) to the permittee. This letter shall be sent by certified mail with return receipt requested.
- b. The RO shall include an NDC Revocation Agreement Form (Appendix I) to be signed by the permittee.

SECTION I ISSUANCE/REISSUANCE APPLICATION PROCEDURES

3. Revocation of an NDC Without an Expiration Date. (cont.)

- c. If the permittee fails to return a completed Revocation Agreement Form and the RO decides that revocation may be necessary, the RO shall make every reasonable effort to obtain the permittee's signature on the form. Reasonable efforts include the initial Reminder Letter, follow up letters, site visits and telephone calls, all of which shall be documented in the permit file. If there is still no agreement on the proposed revocation, the RO staff shall follow the Public Hearing Procedures (Section III).

- (1) The RO shall prepare an Approval Memorandum (Appendix II) from the Regional Director to the Director recommending a public hearing be convened to consider the certificate in question.

- (2) Following Director concurrence, OPA will make all the necessary preparations.

- d. Upon receipt of the signed NDC Revocation Agreement Form and VPA permit application, normal VPA permit processing procedures shall be followed. An LGOF is not required if the VPA permit issuance is the result of an administrative NDC revocation.

4. Initiate Tracking Sheet

A Tracking Sheet shall be initiated upon sending the NDC Revocation Letter to the owner. The RO may choose any form of tracking sheet provided it contains, as a minimum, the categories found on the Tracking Sheet shown in Appendix I.

- a. Dates and initials shall be entered next to each category once completed.
- b. The tracking sheet shall be placed in a file and made available during the RO audits.

5. VPA Permit Not Required

If an NDC exists for an animal feeding operation which does not impact the water quality of the locality and does not have a point source discharge or 300 animal units, the RO may determine that a permit is not required.

- a. In this case, send the permittee a Letter to NDC Owner (Appendix I) and a VPA Permit Exemption Form (Appendix I) by certified mail with return receipt or the Permit Writer may present the form to the permittee during the required site inspection. The permittee shall sign and return the VPA Permit Exemption Form.
- b. Upon receipt of the signed form, the RO shall send a copy of it with an explanatory cover memo to OWRM for final Board action.
- c. OWRM will submit the revocation to the Board and, following Board action, send a copy of the resulting Board minute to the owner and RO.

SECTION II PERMIT DRAFTING PROCEDURES

4. Animal Feeding Operations (cont.)

- a. If the operation is a concentrated animal feeding operation, consult the Nutrient Management Plan and the Soil Conservation Plan, if included, to help determine special conditions, limitations and monitoring requirements.
- b. Evaluate the application to determine if metals, mildew retardants or other land application limiting materials are used in the feeds of the concentrated feeding operation. Determine the appropriate loading limitations and/or monitoring requirements using the Sewerage Regulations (for metals, see Table H-6).

5. Frequent and Infrequent Land Application

The RO may determine the sampling frequency and monitoring requirements for land application of sludge or wastewater based on whether application is on a frequent or infrequent basis.

- a. For frequent and infrequent land application of municipal effluent and sludge, sludge, soil and groundwater sampling frequency should be based on the guidance in the Sewerage Regulations. Surface water and plant tissue monitoring are determined on a case-by-case basis.
- b. Sampling frequencies for infrequent land applications shall be determined on a case-by-case basis. Soils testing can be required on a once per 5 year (1/5 year) basis or a once per application (1/application) basis. **When samples are taken on a 1/application basis, the sludge application may not be more frequent than 1/5 years and updated soil sampling results shall be submitted before sludge is reapplied.** Split applications shall be considered one application.
- c. For frequent land applications of industrial sludge, the sampling frequency should be dependent on the rate of application and should be determined on a case-by-case basis.
- d. Groundwater, surface water, and soils monitoring may be required for any frequent land application site for which a potential environmental or public health concern is established by the VDH or the DEQ, Water Division.
- e. Where sludge is applied on a frequent basis to a dedicated site at greater than agronomic rates, surface water and groundwater monitoring shall be required.

6. Plant Tissue Monitoring

Part I pages for plant tissue monitoring will be drafted on a case-by-case basis with OWRM assistance. Refer to Appendix F in the Sewerage Regulations when determining the need for plant tissue monitoring.

SECTION II PERMIT DRAFTING PROCEDURES

II B. Issuance/Reissuance Procedures for Draft VPA Permits

1. Document Permit Development

Any calculations or other necessary explanations of the derivation of specific limitations and conditions including citations of applicable guidelines or standards, are an integral part of permit development. The rationale for the limitations applied and the standard monitoring requirements, conditions, and/or guidelines or an explanation of alternate monitoring requirements, limitations or conditions shall be part of VPA permit development. Documentation of the development, basis and rationale for permit monitoring requirements, limitations and conditions shall be included in the permit file.

2. Prepare Fact Sheet/Statement of Basis

Prepare a Fact Sheet (FS) for all non-delegated permits providing the rationale for all pollutant management practices, limits and conditions. For delegated permits, complete a Statement of Basis (SOB). For FS and SOB format and language see Appendix III, VPA Permit Fact Sheet/Statement of Basis.

3. Identify Special Conditions

All VPA Permits shall contain those special conditions that are applicable to the type of pollutant management activity being permitted. Special Conditions shall be listed on the Special Conditions pages in Part I. Standard special condition language is shown in Appendix III. Justification for all modifications, additions and deletions of special conditions shall be documented and included in the permit file.

- a. Appendix III provides the listing and language of the VPA permit standard special conditions. Any changes to the special conditions as provided in Appendix III, Part IB., require a request for a variance from the VPA Manual. The RO may add language to the special conditions that does not alter the intent of the standard special condition.
- b. For restricted special conditions described in Appendix III (restrictions are stated prior to the condition, in parenthesis and boldface), any changes of the wording provided shall require a variance request. The RO may add language to the special conditions that does not alter the intent of the standard language.
- c. Site Specific Special Conditions may be included when these special conditions are required to insure water quality. Whenever possible, apply similar site specific conditions to like facilities. The site specific special conditions in Appendix III contain recommended wording only.

SECTION II PERMIT DRAFTING PROCEDURES

3. Identify Special Conditions (cont.)

- d. Two groups of pH special conditions are provided in the "Municipal Sludge Land Application" section of the special conditions. These conditions are to be used in the permit when the land application site is located in low coastal plains or middle and upper coastal plains. Contact OWRM if questions arise about the applicability of these special conditions.
- e. Special Conditions 9 and 10 in the "Land Application of Animal Waste -- Concentrated" section are optional special conditions that need only be applied when comments/questions are received during the public participation process regarding these issues. These special conditions will be applied on a case-by-case basis.
- f. Special Condition 11 in the "Land Application of Animal Waste -- Concentrated" section should be used when the feeding operation involves substances containing metals, mildew retardants or other application rate limiting materials.

4. Identify Pollutant Management Site Location

The location of the pollutant management activity shall be identified in Part I A.1. of the permit. This location designation should reflect the type of monitoring to be performed and the location where monitoring is to occur. Where applicable, the RO should include a street location or describe the location if the facility name does not fully define it. The Pollutant Management Location description on the Monitoring Requirements pages, in combination with the Cover Page and additional attachments or references, should provide enough information to definitively locate the site.

- a. For sludge monitoring, use the name of the municipal, industrial or animal feeding facility that generates the sludge.
- b. For monitoring at a land application site or storage facility, specify the land application site/storage facility or refer to a listing of land application sites attached to the permit.
- c. For wastewater/effluent monitoring, in the case of a municipal, industrial or animal feeding operation, use the facility name.
- d. For industrial facilities that recycle all process wastes, any pollutant management activity should be identified using the facility name.
- e. For any industrial or municipal facilities where groundwater, surface water or soil monitoring is done on site, identify the site or storage facility within the facility that represents the source of the pollutants to be monitored.

SECTION II PERMIT DRAFTING PROCEDURES

5. Establish Monitoring Locations

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The RO should help the owner understand the applicable regulatory requirements so that the owner can design an adequate monitoring system. It is the owner's responsibility to perform the studies necessary to determine such items as the placement of monitoring wells, location of soil samples and location of surface water monitoring stations.

The RO shall include the monitoring locations on the Monitoring Requirements pages (in paragraph I A.3) and, where applicable, reference the corresponding map locations. Site listings and maps provided with the application may be referenced in the permit or provided as attachments.

- a. The RO should use the groundwater information provided in Sections B-II, C-III and Form D to evaluate locations for groundwater monitoring wells. The Regional Geologist may review and make recommendations on the well locations based on the information submitted with the application and the site inspection. Wells should be individually identified and locations referenced on the attached site map.
- b. Specify the locations of samples taken for the purpose of soil monitoring. This information should be included in application Forms B-III, C-II, D-I and D-II. Include a statement describing the sampling technique selected to insure a statistically representative sample. This statement may reference the O & M manual.
- c. Sludge monitoring locations shall be determined on a case-by-case basis. When determining the location of the sludge samples, the RO should consider, as a minimum, the source of the sludge, the process generating the sludge and sludge storage facilities.
- d. Locations for surface water monitoring stations shall be specified on the site map included with the application. The location of any surface water monitoring station shall be included on the surface water monitoring pages.

6. Prepare Draft Permit

The RO shall draft a VPA Permit (Part I) based on the information received with the application material and information developed during the application review. The draft permit shall be formatted as in Appendix III.

SECTION III PUBLIC NOTICE/PUBLIC HEARING PROCEDURES

III A. Public Notice (PN) Requirements

After the draft permit has been reviewed and deemed acceptable by the RO, OWRM, the owner and other agencies, as required, Public Notice shall be published once a week for two consecutive weeks, exactly seven (7) days apart, in a newspaper of general circulation in the county, city or town in which the activity is located.

1. Prepare Public Notice

- a. The RO shall prepare the PN similar to the Public Notice Format shown in Appendix I.
- b. Each RO maintains its own public notice numbering system. The first Public Notice in each Region was numbered VA-RO M/I 00001. The public notice numbers are increased by one for each successive public notice request.

2. Owner Review

- a. Transmit the draft permit, FS or SOB and notification of the public notice requirements to the owner in a single letter. A sample transmittal letter is shown in Appendix I, Draft Permit/PN Letter to Owner. The Public Notice Format and Public Notice Authorization Form which are enclosures of the letter, are shown in Appendix I.
- b. The owner has 14 days after receipt of the copies of the draft permit, FS/SOB and public notice requirements to comment and/or object to their provisions. During this period, the owner may request a meeting to discuss the proposed permit conditions or may elect to withdraw the application and thereby discontinue processing by the DEQ, Water Division.
- c. Any significant changes to the draft permit as a result of owner comments shall require review by the appropriate agencies, including OWRM for all non-delegated permits.

3. Public Notice Authorization Form

- a. The owner is responsible for payment of the Public Notice and authorizes the DEQ, Water Division to publish the PN by returning a completed PN Authorization Form.
- b. The RO must receive a Public Notice Authorization Form (Appendix I) from the owner by which the owner agrees to be billed for the cost of the Public Notice. If the completed Public Notice Authorization Form is not received within 14 days, processing of the VPA Permit will be stopped and the application will be considered incomplete and returned to the owner. Refer to OECA any owner who continues to operate the facility or activity for which the permit or certificate has expired.

SECTION III PUBLIC NOTICE/PUBLIC HEARING PROCEDURES

4. Submittal to the Newspaper

The RO shall be responsible for transmitting the Public Notice and the Public Notice Verification Sheet to the newspaper for publishing. See Appendix I for a sample Transmittal Letter to Newspaper and PN Verification Sheet.

5. Optional Public Notice Procedures

- a. Send the Transmittal Letter, Draft Permit, Public Notice wording and the Public Notice Verification Sheet to the owner. In the Transmittal Letter, direct the owner to review the permit and then, publish the Public Notice in a newspaper designated by the permit writer. Inform the owner that to send specific verification of the publication to the RO within 35 days of the transmittal letter date. If verification is not received in thirty-five (35) days, stop permit processing and return the application to the owner. A sample letter is shown in Appendix I, Draft Permit/Optional PN Letter to Owner.
- b. If comments or requests for information are received after the OWRM mailing list notification is sent, but prior to the Public Notice appearing in the newspaper, respond in writing that the information will be sent following the appearance of the notice in the newspaper.

6. 30 Day Comment Period

- a. The Department shall allow a period of 30 days following the date of the initial Public Notice appearance, during which time interested persons may submit their written comments. For example, if the initial PN appears in Wednesday's newspaper, Thursday will be the first day of the thirty day comment period. All written comments submitted during the thirty days will be retained and considered by the Department. The RO shall attempt to resolve the written comments within the thirty day comment period. The RO will defer further processing actions until completion of the public notice comment period.
- b. If a decision is made to deny the permit based upon comments received, follow the Denial Procedures in Section IX of this manual.
- c. At the end of the public notice comment period, inform those individuals who commented during the public notice comment period of the disposition of their inquiries.

SECTION III PUBLIC NOTICE/PUBLIC HEARING PROCEDURES

6. 30 Day Comment Period (cont.)

- d. If comments/questions are received during the public participation process regarding public health issues, the RO should ask VDH for their advice. The decision to involve VDH in the processing of VPA permit applications, other than the required VDH review of Municipal permits, shall be on a case-by-case basis.

7. Permit File PN Verification

All issuance and reissuance files in the RO shall contain either the two actual Public Notices from the newspaper (each clipping shall be one piece to include the Notice, page masthead and date line) or a photocopy of the ad with the sworn statement from the newspaper. A photocopy without a sworn statement is not acceptable. The RO may have the newspaper forward the certification of publication to the RO or the RO may, by letter, require the owner to obtain certification and indicate that permit processing will not proceed until the certification is received.

8. Notification of Interested Parties

Transmit a copy of the Public Notice to the Office of Water Resources Management (OWRM-Mailing List) at the same time the Public Notice is submitted to the newspaper. OWRM shall notify interested parties of the proposed permit issuance/reissuance, via the mailing list, and provide them with an opportunity to comment in accordance with the Permit Regulation.

When using the optional PN procedure, transmit a copy of the Public Notice to OWRM-Mailing List at the same time the Public Notice package is sent to the owner.

SECTION III PUBLIC NOTICE/PUBLIC HEARING PROCEDURES

III B. Public Hearing Procedures

1. Causes for Public Hearings

In accordance with the Permit Regulation, the Hearing Procedures (see Appendix II, Hearing Procedures), and Procedural Rule No. 1, action relative to a proposed activity shall generally be delayed and a public hearing held when the following exist:

- a. There is significant public interest in the issuance, reissuance, denial, major modification or termination of the permit in question, and
- b. There are substantial disputed issues relevant to the issuance, reissuance, denial, modification or termination of the permit in question, and
- c. The action requested is not inconsistent with, or in violation of the SWCL, federal law or any regulation promulgated thereunder; or
- d. A public hearing is required by statute.

If you need any additional information regarding requirements for public hearings, refer to Procedural Rule No. 1.

2. Tracking and Resolution of Requests

- a. The Regional Director is responsible for tracking public hearing requests and shall immediately inform OWRM and OPA of all public hearing requests by telephone or PROFS. The Regional Director shall insure that OWRM and OPA, as a minimum, and OERS and OECA, as applicable, have copies of the letters requesting the public hearing.
- b. The RO shall attempt to resolve, in writing, all written requests for a public hearing prior to submission of the final package, with recommendations, to OWRM. Written resolution should occur within the 30 day comment period.

3. Response to a Hearing Request

- a. When a public hearing is requested, the permit shall not be issued until after the Director has made a decision to grant or deny the request.
- b. The staff shall respond in writing to those persons requesting a public hearing within 30 days of the end of the public comment period to inform them of the Director's decision. This response letter shall be signed by the Regional Director. Prepare an Approval Memorandum Recommending (Convening/Denying) a Public Hearing (Appendix II), attach the signed response letter and copies of the requests/comments received, and transmit this package using a Routing and Transmittal Slip to the Director's Office through OWRM (for concurrence).

SECTION III PUBLIC NOTICE/PUBLIC HEARING PROCEDURES

3. Response to a Hearing Request (cont.)

- c. When a public hearing is denied by the Director's Office, the RO shall send the approved response letter to those persons who requested the hearing.
- d. When a public hearing is approved, the RO shall send the approved response letter. OPA will make public notice of the hearing, copy the RO and OWRM, and will arrange for the hearing.

4. Hearing Presentation

Once a hearing is scheduled by OPA, the RO is responsible for preparing and making the staff presentation. The RO is also responsible for developing findings of fact, conclusions of law and recommendations. These must be approved in advance of the hearing by OWRM and OPA and, as appropriate, the AG's Office.

5. Additional Public Comment

If a permit is revised as a result of a public hearing to contain limitations or conditions different from those in the permit as publicly noticed and the Department feels the public should have the opportunity to comment on the revisions, additional public comment may be required.

6. Denial Resulting from Hearing

If a decision is made to deny the application based upon the hearing, follow the Public Participation Leading to Denial Procedures described in Section IX of this manual.

SECTION IV FINAL PERMIT PACKAGE PROCESSING

IV A. Process Final Non-delegated Permit Package

At the close of the public notice period or upon completion of the public hearing (if one occurred), compile and forward the Approval Memorandum Package to OWRM for review and signatures. For reissuances, do not submit the final permit package more than 3 months prior to the permit's expiration date. If a permit is ready for signature earlier than 3 months prior to expiration, contact the Permits Program Manager for consideration of early approval. The permit package should be kept at the Regional Office until the proper time for signature.

1. Approval Memorandum

The RO shall prepare an approval memorandum addressed to the Director from the OWRM Permits Program Manager. The date line will be left blank as OWRM will date the memo. The approval line of the memorandum shall be titled "Director"; however, the memorandum will be signed by the OWRM Director, for the Director. See the Approval Memorandum in Appendix I for an example.

2. Transmittal Letter

Prepare the letter transmitting the final permit to the owner for signature by the OWRM Permits Program Manager. The letter shall be on DEQ, Water Division stationery that does not display the names of the State Water Control Board members on the letterhead. See the sample Transmittal Letter for a non-delegated permit in Appendix I.

3. Non-delegated Permit

- a. Non-delegated permits shall be signed and issued by the OWRM Director on behalf of the Director.
- b. Do not type in the effective or expiration dates on the cover page. OWRM is responsible for typing the dates on non-delegated permit cover pages.
- c. For permits which will expire within two weeks, the RO Water Resources Manager shall promptly notify the OWRM Permits Program Manager prior to the transmittal of the permit from the RO. In the absence of the RO Water Resources Manager, the Regulatory Services Supervisor will do the notifying.

4. Concurrence Sheet

All final packages shall contain a concurrence sheet. It shall be signed by the appropriate persons in the RO to certify their concurrence with the permit. These persons shall include the Regulatory Services Supervisor (RSS), Water Resources Manager (WRM) and Regional Director (RD).

SECTION IV FINAL PERMIT PACKAGE PROCESSING

5. Non-delegated Permit Approval Memorandum Package

- a. The permit package that is forwarded to OWRM should contain and be arranged in the following order:
 - (1) Routing and Transmittal Slip
 - (2) Approval Memorandum (Appendix I)
 - (3) Transmittal Letter (Appendix I)
 - (4) Concurrence Sheet
 - (5) Permit
 - (6) NDC Revocation Agreement Form, if applicable
 - (7) Envelopes and/or labels with addresses of owners and appropriate individuals and agencies
 - (8) Certified mail receipt and return receipt request
- b. OWRM shall review the permit package and may return the package to the RO if major corrections are needed.
- c. OWRM will make all revisions to the permit that are required by new policy changes. If the RO has been notified of the policy changes prior to permit packagesubmission (i.e., guidance memo), the RO is responsiblefor the revisions.
- d. OWRM shall distribute the permit to the owner, appropriate government agencies and the RO. The original certified mail receipts will be returned to the RO with their copy of the signed permit. These receipts shall be maintained in the RO permit file.

6. Permits Receiving Public Hearing

- a. When a permit receives a public hearing, the Director shall sign the permit and approval memorandum.
- b. The processing of the Final Permit Package:
 - (1) The final permit package should be arranged so that the Director's approval memorandum is first, followed by the transmittal letter, the permit and then, the other papers included in the permit package.
 - (2) Attach a red paper clip to the permit where the Director's signature is required.
 - (3) Staple the Routing and Transmittal Slip on the outside of the blue folder and transmit to OWRM. See Appendix I for an example Routing and Transmittal Slip utilized by OWRM.

SECTION IV FINAL PERMIT PACKAGE PROCESSING

7. NDC Revocation/VPA Permit Issuance

- a.** If an NDC is being revoked and a VPA permit issued, a copy of the signed NDC Revocation Agreement Form (Appendix I) shall be included in the final permit package.
- b.** A second copy of the signed NDC Revocation Agreement Form with an explanatory cover memorandum shall be sent to OWRM for final State Water Control Board action. OWRM will submit the revocation to the Board and, if approved, will forward copies of the Board Meeting minute to the owner and RO to verify the NDC revocation.

SECTION IV FINAL PERMIT PACKAGE PROCESSING

IV B. Process Final Delegated Permit Package

At the close of the public notice period or upon completion of the public hearing, if one occurred, the RO shall prepare and submit the Approval Memorandum Package for review and signatures.

1. **Approval Memorandum**

The RO shall prepare an approval memorandum to the Director from the Regional Water Resources Manager (WRM). The approval line of the memorandum shall be titled "Director"; however, the memorandum will be signed by the Regional Director (RD), for the Director. See the Approval Memorandum in Appendix I for an example of the information included in the memo.

In those circumstances when it is imperative to send the memo and the RD is not available, it may be from the RSS and signed by the WRM for the Director. Do not have the memo sent from the same person who approves it for the Director.

2. **Transmittal Letter**

The letter transmitting the final permit to the owner shall be from the Regional Water Resources Manager. The letter shall be on Regional DEQ stationery that does not display the names of State Water Control Board members in the letterhead. See the sample Transmittal Letter for a delegated permit in Appendix I.

3. **Delegated Permit**

Delegated permits shall be signed and issued by the Regional Director for the Director.

4. **Concurrence Sheet**

A concurrence sheet shall be prepared and signed by the appropriate persons in the Regional Office to certify their concurrence with the permit. These persons shall include the Regulatory Services Supervisor and Water Resources Manager. A copy of the concurrence sheet shall be included in the permit file.

5. **Permits Receiving Public Hearing**

When a permit receives a public hearing, the Director shall sign the permit and the Approval Memorandum. The permit will be processed as a non-delegated permit as described in the preceding pages of this Section.

If the RO recommends the denial of a public hearing of a permit, the Approval Memorandum requesting the denial shall be sent via OWRM to the Director for signature. The permit will remain in the RO and upon Director concurrence, the permit will be processed as a normal delegated permit.

SECTION IV FINAL PERMIT PACKAGE PROCESSING

6. NDC Revocation/VPA Permit Issuance

- a.** If an NDC is being revoked and a VPA permit issued, a copy of the signed NDC Revocation Agreement Form (Appendix I) shall be included in the final permit package.
- b.** A second copy of the signed NDC Revocation Agreement Form with an explanatory cover memorandum shall be sent to OWRM for final State Water Control Board action. OWRM will submit the revocation to the Board and, if approved, will forward copies of the Board Meeting minute to the owner and RO to verify the NDC revocation.

SECTION VI INTERIM AUTHORIZATION

VI A. Procedures For Interim Authorization

The Permit Regulation (§2.1.A.2.b) allows the State Water Control Board to grant interim authorization for construction of a waste management facility prior to permit issuance. The interim authorization does not authorize the operation of the waste management facility and can only apply to a facility that has not previously been issued a permit or certificate.

1. Site Inspection

Interim Authorization may be granted only after a site inspection has been performed and it is determined that there is pollution occurring. Specify the required remediation efforts during the initial site inspection. Document the site inspection for the file.

2. Application Submission

- a. During the initial site visit, request that the owner submit an application. The owner should submit the application within 30 days of the request.
- b. Upon receipt of the application, follow the application procedures described in Section I of this manual.

3. Administrative Procedures

- a. Upon determining there is pollution occurring and if warranted, an Interim Authorization Letter (Appendix I) shall be prepared by the RO for the Director's signature. The RO shall also prepare an approval memorandum to accompany the letter which shall detail the existing environmental problem and the need for interim authorization.
- b. The Interim Authorization package shall be transmitted to the Director's Office via OWRM (for review and concurrence) using a Routing and Transmittal Slip.
- c. The Interim Authorization Letter will be returned to the RO (Delegated) or OWRM (Non-delegated) for mailing and distribution.

4. Follow-up Site Inspection

The RO should perform a follow-up site inspection to ensure that remediation efforts are proceeding in a timely manner and as specified by the RO.

SECTION VII MODIFICATION PROCEDURES

VII A. Initiation of Modification Procedures

1. Initiating a Modification Request

A VPA Permit modification may be initiated by the permittee, interested persons, or the staff for any applicable reason specified in §5.2. "Causes for Modification" in the Permit Regulation. A modification shall involve only those specific items requested unless the permittee is notified in advance of additional changes. A modification should not be initiated by the staff within 15 months of a previous modification, issuance or reissuance. The RO shall track the modification process using, as a minimum, the Modification Tracking Sheet in Appendix IV.

2. Written Modification Request

- a. An owner or an interested person may initiate the modification procedure by submitting a written request to the appropriate DEQ, Water Division RO outlining the following:
 - (1) The present permit condition(s) in question.
 - (2) The proposed change(s) being sought.
 - (3) Reason(s) and justification for the change(s) or a revised application if the request involves modification or substantial increase in the management of pollutants.
- b. The modification request should be in the form of a letter (and/or an application, if required) and shall be dated and signed by the owner, the owner's authorized representative or the interested person. A sample format for the Proposed Modification Request letter is in Appendix IV.
- c. A holder of an NDC without an expiration date who is required to obtain a VPA permit shall be notified that an application is to be submitted in addition to the NDC Revocation Agreement Form.
- d. A holder of an NDC with an expiration date that will require a VPA permit is not required to submit an application unless required to do so by the RO. However, an NDC Revocation Agreement Form is required. If the permit is to be issued for the full VPA permit term, an application is required; otherwise, the VPA Permit will only be issued for the remaining term of the NDC.
- e. Upon receipt of a modification request from a permittee or from an interested person, the RO should contact OWRM to determine if there are additional modifications needed. If additional modifications are needed, then the permittee should be immediately notified and all modifications made at the same time.

SECTION VII MODIFICATION PROCEDURES

2. Written Modification Request (cont.)

- f. In cases when a modification request falls within 15 months of a permit reissuance date, the RO may send the permittee a Reissuance in Lieu of Modification Letter (Appendix IV). Reissuance versus modification decisions are made on a case-by-case basis. Procedures for Revocation and Reissuance are in Section VIII. If questions arise, contact OWRM.

3. Staff Initiated Modifications

The staff may initiate a modification by sending the appropriate letter to the owner describing the proposed modification and the owner's right to a hearing. If a permit modification addresses a statewide issue, each RO should develop a schedule for processing affected permits.

4. Modification Involving New Applications

If the modification requires the submittal of a new application due to substantial changes in the operation, the RO shall process the application following the procedures for applications in Section I.

LGOF's (Appendix I) are required for modifications which include new site locations.

5. Change of Ownership

If the modification is a Change of Ownership, the permittee shall sign and return to the RO the Change of Ownership Agreement Form (Appendix IV). The new owner shall request, in writing, the ownership change and shall sign and return a Change of Ownership Agreement Form whereby he agrees to accept all conditions and responsibilities of the VPA permit and application. Proof of Sale is acceptable for documentation of Change of Ownership.

A Change of Ownership does not require Public Notice if it is the only modification to the permit.

A Change of Ownership is not authorized for NDCs. When ownership of a facility covered by an NDC is transferred, the new owner must file a VPA application and the old owner should submit an NDC Revocation Agreement Form.

6. Automatic Transfer

A VPA permit, but not an NDC, shall be automatically transferred to the new owner if:

- a. The current owner notifies the RO 30 days in advance of the proposed transfer of the title to the facility or property, and
- b. The notice includes a written agreement between the existing and proposed new owner containing a specific date of transfer of permit responsibility, coverage and liability between them, and

SECTION VII MODIFICATION PROCEDURES

6. Change of Ownership (cont.)

- c. The Department does not, within the 30-day time period, notify the existing owner and the proposed new owner of its intent to modify or revoke and reissue the permit.

For all changes of ownership including automatic transfers, a copy of the entire permit shall be forwarded to the new owner with a transmittal letter and a copy of the approval memo.

7. Denial of Requests for Modification

- a. The RO shall review the modification request initiated by the owner or interested person within 14 days.
- b. To deny a request for modification, the RO shall prepare a letter response from the Regional Director to the requestor outlining reasons for the denial. Denial of a Non-delegated permit modification requires OWRM concurrence.
- c. A denial may be appealed to the Director by a letter which briefly states the relevant facts.
- d. Denial of a modification request does not require public notice.

8. Modifications Not Requiring Public Notice

The following permit modifications are considered minor modifications and shall not require public notice or opportunity for public hearing unless they would render the applicable standards and limitations in the permit less stringent or unless contested by the permittee. All minor modifications require a modification date except for corrections of typographical errors and changes in plans and specifications that do not result in a change in the limitations of the permit. Corrections of typographical errors on the Cover Page of the permit require a modification date.

- a. Corrections of typographical errors:
For Non-delegated permits typographical errors are corrected by a transmittal letter from the Permits Program Manager. For Delegated permits typographical errors are corrected by a transmittal letter from the Regional Water Resources Manager.
- b. A change requiring more frequent monitoring or reporting by the permittee.
- c. A change in an interim compliance date, but not beyond 120 days and not when the change would interfere with the attainment of a final compliance date.

SECTION VII MODIFICATION PROCEDURES

8. Modifications Not Requiring Public Notice (cont.)

- d. A change in company or facility name or change in ownership when the Department determines that no other change in the permit is necessary.**
- e. Delete Permit Limitations or Monitoring Requirements for specific pollutants when the activities generating these pollutants have ceased.**
- f. A change in plans and specifications that does not result in a change in the limitations of the permit.**
- g. When facility expansion, production increases or process modification will not cause a significant change in the pollutant management activity.**

SECTION VII MODIFICATION PROCEDURES

VII B. Modification Procedures for VPA Permits

For modifications involving sewage sludge or sewage effluent, both the DEQ, Water Division and VDH will review the modification request. The RO should contact OWRM to determine if there are additional modifications needed, and if so, notify the permittee and include all modifications at the same time.

If the request is in the form of an application, follow the procedures for applications in Section I.

1. Administrative Review

- a. The RO shall, within a maximum of 14 days from receipt of the modification request, review it for administrative completeness. A request is administratively complete if the request contains (1) the present permit condition(s) in question; (2) the proposed change(s) sought; (3) the reason(s) and justification for the change(s); (4) the original signature of the owner, owner's agent or interested person and the date.
- b. If deficiencies in the modification request are found, the RO shall send a letter outlining the need for corrections and/or additional information. Further processing will not continue until the requested information has been provided. See Appendix IV, Modification Administrative Review Letter.
- c. If the modification request requires an application, inform the permittee using the Modification Administrative Review Letter (Appendix IV) and follow the application procedures outlined in Section I.
- d. The Water Resources Manager is responsible for reviewing and concurring with a permit writer's determination of request deficiencies and the need for an application.
- e. If the RO determines that the administratively complete modification request provides sufficient information to justify the modification(s) requested, technical review of the request may be waived. The rationale for waiving the technical review shall be stated in the Fact Sheet/SOB and summarized in the Approval Memorandum. For non-delegated permits, forward the modification request to OWRM for review and concurrence. For delegated permits, prepare the draft modified permit.

2. Technical Review

- a. The RO shall complete the technical review of delegated modification requests within a maximum of 60 days from initial receipt and non-delegated modification requests within a maximum of 45 days from initial receipt. RO technical review of non-delegated modification requests shall be completed before the application is forwarded to OWRM for review and concurrence.

SECTION VII MODIFICATION PROCEDURES

2. Technical Review (cont.)

- b. The RO and OWRM shall complete the modification request review process within 60 days of initial receipt of the request. The RO and OWRM shall make every effort to complete the review in less than 60 days.
- c. If the modification is significant and affects the substance of the permit, a site inspection shall be conducted and an Application Checklist Review Form (Appendix III) completed (for non-delegated permits).
- d. If the modification involves new land application sites, site inspections of the new sites shall be conducted.
- e. Site inspections shall be documented in the permit file as outlined in Section I.
- f. If the information provided in the modification request is not sufficient for the permit writer to develop a fact sheet/SOB, the request may be deemed incomplete and additional information and/or a new application may be requested using the Modification Technical Review Letter (Appendix IV). The Water Resources Manager must review and concur with the permit writer's determination of an incomplete modification request.
- g. If a new application is requested, follow the application procedures of Section I.

3. Prepare Draft Modified Permit Pages

The RO shall prepare a Fact Sheet/SOB and a draft of those VPA permit pages needed to incorporate the proposed modification. In a permit modification, only those conditions being modified are subject to comment during the public notice comment period.

- a. When a permittee or interested person initiates a modification, the permit will be modified within the required 120 days after receipt of a complete modification request or application (if applicable).
- b. Prepare the draft modified permit following procedures outlined in Section II.

4. OWRM Review of Modified Draft Non-delegated Permit

Draft modified Non-delegated VPA permit pages shall be sent to OWRM for review and concurrence. Include with the modified pages an explanation of the modification being performed. OWRM shall have 14 days to comment on the VPA permit modification.

5. Virginia Department of Health Review

Transmit all modifications involving sewage sludge, sewage effluent and other appropriate draft permits with Fact Sheet /SOB to the appropriate Regional Office of the VDH. The Transmittal Letter to VDH is in Appendix I. Refer to Section II, Permit Drafting Procedures, for additional information.

SECTION VII MODIFICATION PROCEDURES

6. Prepare Public Notice (PN)

- a. The RO shall prepare the Public Notice (PN) similar to the Public Notice Format shown in Appendix I. In a permit modification, only those conditions being modified shall be subject to comment during public notice comment period.
- b. Each RO maintains its own public notice numbering system. The first Public Notice in each Region was numbered VA-RO M/I 00001. The public notice numbers are increased by one for each successive public notice request.

7. Owner Review

- a. Transmit the draft modified permit pages, the modified FS/SOB and notification of the public notice requirements to the owner in a single letter.

A sample transmittal letter is shown in Appendix IV Draft Permit/PN Letter to Owner. The Public Notice Format and Public Notice Authorization Form which are enclosures of the letter, are shown in Appendix I.
- b. The owner has 14 days after receipt of the draft modified permit pages, modified FS/SOB and public notice requirements to comment and/or object to their provisions. During this period, the owner may request a meeting to discuss the proposed modifications and may elect to withdraw his/her modification request and application, if submitted.
- c. Any significant changes to the draft modified permit pages due to owner comments shall require review by the appropriate agencies, including OWRM for all non-delegated permits.

8. Public Notice Authorization Form

- a. The owner is responsible for the payment of the Public Notice publishing costs and authorizes the DEQ, Water Division to publish the PN by completing and returning the PN Authorization Form.
- b. The RO must receive a Public Notice Authorization Form (Appendix II) from the owner by which the owner agrees to be billed for the cost of the Public Notice. If the completed PN Authorization Form is not received within 14 days, processing of the VPA Permit modification will be stopped, the owner informed and the application, if submitted, returned to the owner.
- c. If the permittee refuses to pay for a Department initiated modification, the RO shall contact the Permits Program Manager for approval to pay for the Public Notice and then notify OECA that the permittee is not following modification procedures.

SECTION VII MODIFICATION PROCEDURES

9. Submittal to the Newspaper

Promptly after completion of the permittee review, the RO shall transmit the applicable modification Public Notice and the Public Notice Verification Sheet to the newspaper for publishing. The modification request shall be given public notice by publication once a week for two consecutive weeks, exactly seven (7) days apart, in a newspaper of general circulation in the county, city or town in which the discharge is located. See Appendix I for sample Transmittal Letter to Newspaper.

10. Optional Public Notice Procedures

- a. Send the transmittal letter, draft modified permit pages, Public Notice wording and the Public Notice Verification Form to the owner. In the transmittal letter, direct the owner to review the modified permit pages and, then, publish the Public Notice in a newspaper designated by the permit writer. Inform the owner to send verification of the publication to the RO within 35 days of the transmittal letter date. If verification is not received in 35 days, stop processing the permit modification, notify the owner and return the application, if submitted. A sample letter is in Appendix IV, Draft Permit/Optional PN Letter to Owner.
- b. If comments or requests for information are received after the OWRM mailing list notification is sent, but prior to the PN appearing in the newspaper, respond in writing that the information will be sent following the appearance of the notice in the newspaper.

11. 30 Day Comment Period

- a. The Department shall allow a period of thirty (30) days following the date of the initial Public Notice appearance, during which time interested persons may submit their written comments. (For example, if the initial PN appears in Wednesday's newspaper, Thursday will be the first day of the thirty day comment period). The RO shall attempt to resolve the written comments within the thirty day comment period. All written comments submitted during the thirty days will be retained and considered by the Department. The RO will defer further processing actions until completion of Public Notice comment period.
- b. If a decision is made to deny the modification based upon comments received, follow the Denial Procedures in Section IX of this manual.
- c. At the end of the public notice comment period, inform those individuals who commented during the public notice comment period of the disposition of their inquiries.

SECTION VII MODIFICATION PROCEDURES

11. 30 Day Comment Period (cont'd)

- d. If comments/questions are received during the public participation process regarding public health issues, the RO should ask VDH for their advice. The decision to involve VDH in the processing of VPA permit applications other than the required VDH review of Municipal permits, shall be on a case-by-case basis.

12. Permit File PN Verification

All modification files in the RO shall contain either the two actual Public Notices from the newspaper (each clipping shall be one piece to include the notice, page masthead and dateline) or a photocopy of the ad with a sworn statement from the newspaper. A photocopy without a sworn statement is not acceptable. The RO may have the newspaper forward the certification of publication to the RO or the RO may, by letter, require the owner to obtain certification and indicate that permit processing will not proceed until the certification is received.

13. Notification of Interested Parties

Transmit a copy of the Public Notice to OWRM-Mailing List at the same time the Public Notice is submitted to the newspaper. OWRM shall notify interested parties of the proposed permit modification via the mailing list and provide them with an opportunity to comment in accordance with the Permit Regulation.

When using the optional PN procedure, transmit a copy of the Public Notice to OWRM-Mailing List at the same time the public notice package is sent to the owner.

14. Causes for Public Hearings

In accordance with the Permit Regulation, the Hearing Procedures (see Appendix II, Hearing Procedures), and Procedural Rule No. 1, action relative to a proposed activity shall generally be delayed and a public hearing held when the following exist:

- a. There is significant public interest in the modification of the permit in question, and
- b. There are substantial disputed issues relevant to the modification of the permit in question, and
- c. The action requested is not inconsistent with, or in violation of, the SWCL, federal law or any regulation promulgated thereunder; or
- d. A public hearing is required by statute.

15. Tracking and Resolution of Requests

- a. The Regional Director is responsible for tracking public hearing requests and shall immediately notify OWRM and OPA of all public hearing requests by telephone or PROFS. The Regional Director shall insure that OWRM, OPA, OERS, OEA, and OECA have copies of the letters requesting the public hearing.

SECTION VII MODIFICATION PROCEDURES

15. Tracking and Resolution of Requests (cont.)

- b. The RO shall attempt to resolve, in writing, all written requests for hearings prior to submission of the final package, with recommendations, to OWRM. Written resolution should occur within the 30 day comment period.

16. Response to a Hearing Request

- a. When a public hearing is requested, the modified permit shall not be modified until after the Director has made a decision to grant or deny the request.
- b. The staff shall respond in writing to those persons requesting a public hearing within 30 days of the end of the public comment period to inform them of the Director's decision. This response letter shall be signed by the Regional Director. Prepare an Approval Memorandum Recommending (Convening/Denying) a Public Hearing (Appendix II), attach the signed response letter and copies of the requests/comments received, and transmit this package using a Routing and Transmittal Slip to the Director's Office through OWRM (for concurrence).
- c. When a public hearing is denied by the Director's Office, the RO shall send the approved response letter to those persons who requested the hearing.
- d. When a public hearing is approved, the RO shall send the approved response letter. OPA will make public notice of the hearing, copy the RO and OWRM, and will arrange for the hearing.

17. Hearing Presentation

Once a hearing is scheduled by OPA, the RO is responsible for preparing and making the staff presentation. The RO is also responsible for developing findings of fact, conclusions of law and recommendations. These must be approved by OWRM, OPA and, as appropriate, the AG's Office.

18. Additional Public Comment

If a permit modification is revised as a result of a public hearing to contain limitations or conditions different from those in the noticed modification and the Department feels the public should have the opportunity to comment on the revisions, additional public comment may be required.

19. Denial Resulting from Hearing

If a decision is made to deny the modification based upon the hearing, follow the Public Participation Leading to Denial Procedures described in Section IX of this manual.

SECTION VII MODIFICATION PROCEDURES

VII C. Process Final Non-delegated Modified Permit Package

At the close of the public notice comment period or upon completion of the public hearing (if one occurred), compile and forward the Approval Memorandum Package to OWRM for review and signatures.

1. Approval Memorandum

The RO shall prepare an approval memorandum to the Director from the OWRM Permits Program Manager. The date line will be left blank as OWRM will date the memo. The approval line of the memorandum is to be titled "Director", however the memorandum will be signed by the OWRM Director for the Director. See the Approval Memorandum Modification Format in Appendix IV for an example.

2. Transmittal Letter

Prepare the letter transmitting the final modified permit to the owner for signature by the OWRM Permits Program Manager. The letter shall be on DEQ stationery that does not display names of State Water Control Board members in the letterhead. See the sample Transmittal Letter for a Non-delegated permit in Appendix IV.

3. Non-delegated Modified Permit

- a. Non-delegated modified permits shall be signed and issued by the OWRM Director on behalf of the Director.
- b. Do not type in the modification date on the cover page. OWRM is responsible for typing the date on non-delegated permit cover pages.

4. Concurrence Sheet

All final packages shall contain a concurrence sheet. It shall be signed by the appropriate persons in the RO to certify their concurrence with the modified permit. These persons shall include the Regulatory Services Supervisor, the Water Resources Manager and the Regional Director.

SECTION VII MODIFICATION PROCEDURES

5. Non-delegated Permit Approval Memorandum Package

- a. The permit package that is forwarded to OWRM should contain and be arranged in the following order:
 - (1) Routing and Transmittal Slip
 - (2) Approval Memorandum (Appendix IV)
 - (3) Transmittal Letter (Appendix IV)
 - (4) Concurrence Sheet
 - (5) Modified Permit
 - (6) Envelopes and/or labels with addresses of owners and appropriate individuals and agencies.
 - (7) Certified mail receipt and return receipt request
- b. OWRM shall review the modified permit package and may return the package to the RO if major corrections are needed.
- c. OWRM will make all appropriate revisions to the modified permit that are required by new policy changes. If the RO has been notified of the policy changes prior to permit package submission (i.e., guidance memo), the RO is responsible for the appropriate revisions.
- d. OWRM shall distribute the modified permit package to the owner, appropriate government agencies and the RO. The original certified mail receipts will be returned to the RO with their copy of the permit. These receipts shall be maintained in the RO permit file.

6. Modifications Receiving Public Hearing

- a. When the modification receives a public hearing, the Director shall sign the modified permit and approval memorandum.
- b. The processing of the Final Modified Permit Package:
 - (1) The final modified permit package should be arranged so that the Director's approval memorandum is first, followed by the transmittal letter, the modified permit and then the other papers listed in the Approval Memorandum Package described in Appendix IV.
 - (2) Attach a red paper clip where the Director's signature is required.
 - (3) Staple the Routing and Transmittal Slip on the outside of the blue folder and transmit to OWRM. See Appendix I, for an example Routing and Transmittal Slip utilized by OWRM.

SECTION VII MODIFICATION PROCEDURES

VII D. Process Final Delegated Modified Permit Package

At the close of the public notice comment period, or upon completion of the public hearing, if one occurred, the RO shall prepare and submit the Approval Memorandum Package for review and signatures.

1. Approval Memorandum

The RO shall prepare an approval memorandum to the Director from the Regional Water Resources Manager (WRM). The approval line of the memorandum is to be titled "Director"; however, the memorandum will be signed by the Regional Director (RD), for the Director. See the Approval Memorandum in Appendix IV for an example of the information included in the memo.

In those circumstances when it is imperative to send the memo and the RD is not available, it may be prepared by the RSS and signed by the WRM, for the Director. Do not have the memo signed by the same person who approves it for the Director.

2. Transmittal Letter

The letter transmitting the final modified permit to the owner shall be from the Regional Water Resources Manager. The letter shall be on DEQ RO Letterhead that does not display the names of State Water Control Board members. See the sample Modification Transmittal Letter to Owner (Delegated) in Appendix IV.

3. Delegated Modified Permit

Delegated modified permits shall be signed and issued by the Regional Director for the Director.

4. Concurrence Sheet

A concurrence sheet shall be prepared and signed by the appropriate persons in the Regional Office to certify their concurrence with the modified permit. These persons shall include the Regulatory Services Supervisor and Water Resources Manager. A copy of the concurrence sheet shall be included in the permit file.

5. Modifications Receiving Public Hearing

When a permit action receives a public hearing, the Director shall sign the approval memorandum and the permit. The modification will be processed as a Non-delegated Modified Permit described on the preceding pages of this section.

When the RO has responded to all requests for public hearing and an Approval Memorandum for Denying a Public Hearing is drafted, send the Memo to OWRM for signature by the Director's Office. The permit will be signed in accordance with Delegated Modified Permit procedures.

SECTION VII MODIFICATION PROCEDURES

VII E. Final Distribution

Following the signing and dating of the modified permit, appropriate copies shall be made and distributed. The Regional Office is responsible for dating and distributing the Delegated Modified Permits and OWRM is responsible for the Non-delegated Modified Permits.

1. **Owner Modified Permit Package**

A modified permit package shall be sent by OWRM for Non-delegated permits or by the RO for Delegated permits to the owner by certified mail with a return receipt request. The package shall consist of:

- a. The original transmittal letter
- b. A copy of the Approval memo
- c. The original Modified VPA Permit

2. **Non-delegated Modified Permits to the RO**

OWRM shall send one copy of the following, except as noted:

- a. VPA Permit
- b. Transmittal letter
- c. Approval memo
- d. Original copy of the Concurrence Sheet

3. **Delegated Modified Permits to OWRM**

The RO shall send one copy of the following:

- a. VPA Permit
- b. Transmittal letter
- c. Approval memo
- d. Application (if required for the modification)

4. **VDH Permit Package**

Municipal Waste Effluent/Sewage Sludge land application permit packages shall be sent to VDH and shall consist of one copy of the following:

- a. VPA Permit
- b. Transmittal letter
- c. Approval memo

5. **Permit Modification Date**

When the modified permit is signed, the modification date shall be typed on the permit cover page by OWRM (non-delegated) or by the RO (delegated) prior to distribution. The Modification Date is the date the permit is signed by the Director of OWRM (Non-delegated permits) or by the RO (delegated permits).

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

VIII A. Revocation and Reissuance of Permits

1. Causes for Revocation and Reissuance

Permits may be revoked and reissued at the request of any interested person, the permittee or upon the Department's initiative for any of the applicable reasons specified in "Causes for Modification", §5.2. of the Virginia Permit Regulation.

- a. The permittee must either request or agree to a permit revocation and reissuance.
- b. The Department may initiate a permit revocation and reissuance in circumstances where cause exists for termination but continued activity is acceptable until a new permit can be applied for and issued.
- c. In cases when a modification request falls within 15 months of a permit reissuance date, the RO may send the permittee a Reissuance In Lieu of Modification Letter (Appendix IV). Revoke and Reissuance versus Modification decisions are made on a case by case basis. If questions arise, contact OWRM.

2. Processing a Permit Revocation and Reissuance

When a permit is revoked and reissued, it is processed much the same as a reissuance. A new application is required and the entire permit is open for review and/or revision. The permit is reissued for a new ten year term or five years in the case of wood preservers or concentrated animal feeding operations. The 120 day clock shall apply to the processing of the reissuance.

- a. The same permit number is used in the reissuance.
- b. One important difference in the procedure is that the Public Notice for the reissuance must state that the new permit will be issued for a full term and will supersede any previous permit. Avoid using the term "revoke" or "revocation" in the Public Notice in order to reduce the possibility that someone might confuse the revocation and reissuance process with termination of the permit.
- c. In addition, the transmittal letter which goes to the permittee with the new permit shall contain the following language which makes it clear that the old permit is officially superseded as of the effective date of the new permit: "The attached VPA permit supersedes any VPA permits previously issued to this facility."

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

3. Permit Requirements

While the revocation and reissuance proceeds, the permittee shall comply with all conditions of the existing permit.

Cases in which a new permit cannot be issued prior to expiration of the existing permit due to the permittee's actions shall be referred to OECA for appropriate action.

4. Owner or Interested Person Requests

An owner or interested person may request a revocation and reissuance by sending a letter to the RO stating the facts and reasons supporting the request.

- a. When an interested person requests a revocation and reissuance, the RO shall notify the permittee and must obtain the permittee's concurrence in order to proceed.
- b. To document the owner's agreement with the revocation and reissuance, a VPA Permit Revocation/Reissuance Agreement Form (Appendix IV) shall be sent to the owner, signed and returned to the RO.
- c. Once the request is approved by the RO, the owner shall submit a new application which shall be processed in accordance with applicable issuance/reissuance procedures as presented in Section I of this manual.
- d. A revocation does not require Public Notice and Hearing. However, since a new permit must be issued concurrently with the revocation, the Public Notice Procedures of Section III shall be followed.

5. Staff Initiated Request

- a. The RO shall notify the permittee by letter of the proposed revocation. The letter shall state the reason(s) for the revocation, the proposed changes relevant to the existing permit and request the permittee submit a new application.
- b. If the RO and the permittee cannot mutually agree upon the revocation and reissuance, a Public Notice of the Department's intent to either modify or terminate the permit must be published. Follow the Staff Initiated Modification procedures of Section VII or the Termination of Permits procedures of this Section, as required.
- c. If the owner submits a new application, process it in accordance with procedures outlined in Section I of this manual.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

V B. Termination of Permits

Permits may be terminated either at the request of an interested person, the permittee or upon the Department's initiative in accordance with SWCL (the Law) and the Permit Regulation.

1. Causes for Permit Termination

During the effective period of the permit, the State Water Control Board may, after notice and hearing, terminate a permit on any of the following grounds or for good cause as provided in the Permit Regulation:

- a. The permittee has violated any regulation or order of the Board, any condition of a permit, any provision of the Law, or any order of the court where such violation results in a release of a harmful substance into the environment or presents a hazard to human health or the violation is representative of a pattern of serious or repeated violations which, in the opinion of the Board, demonstrates the permittee's disregard for or inability to comply with applicable laws, regulations or requirements.
- b. The permittee has failed to fully disclose all relevant material facts or has misrepresented a material fact in applying for a permit, or in any other report or document required under the Law or the Permit Regulation.
- c. The activity for which the permit was issued endangers human health or the environment and can be regulated to acceptable levels by modification or termination of the permit.
- d. There exists a material change in the basis on which the permit was issued that requires either a temporary or permanent reduction or the elimination of any pollutant management activity controlled by the permit which is necessary to protect human health or the environment; i.e., cessation of activities.

2. Initiation of Termination Procedures

- a. In those instances when a permit is within 6 months of its expiration date and the owner ceases the activity, it is more expedient to simply allow the permit to expire. The RO shall notify OWRM of all permits which will expire and are not to be reissued. A Permit/Certification Termination Agreement Form (Appendix V) is not required for an expired permit or certificate.
- b. When a six month or longer period is involved, the owner should submit written notice to the RO indicating the timing of and reasons for discontinuing the pollution management activity.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

2. Initiation of Termination Procedure (cont'd)

- c. The RO should conduct a site evaluation to ensure the request for termination of the VPA permit is justified.

3. Processing the Termination

- a. If the termination was requested by an interested person, the RO shall inform the interested person of the denial of the request, or if accepted, that it is being acted upon by the RO. If the request is accepted, the RO shall proceed as if the request were staff initiated.
- b. If the termination was initiated by the Department, notify the permittee of the proposed termination and advise him of his right to a hearing should he not be in agreement with the termination. The Permit Termination Letter and Permit Termination Agreement Form are found in Appendix V.
- c. If the permittee initiates or is in agreement with the proposed permit termination and does not desire a hearing entitled under §62.1-44.15(5) of the Law and the Permit Regulation, then:
 - (1) the permittee shall sign and submit to the RO a Permit Termination Agreement Form within 14 days of receipt of the Permit Termination Letter. The reason for the termination shall be specified on the Agreement Form. See Appendix V for a copy of the Permit Termination Agreement Form.
 - (2) Once the permittee returns the signed Permit Termination Agreement Form, the RO shall forward a copy to OWRM along with a memo requesting that the subject permit termination be placed before the State Water Control Board for their action and stating the reason(s) for termination. Identify the reason(s) as one or more of the four causes listed under paragraph B.1. of this Section.
 - (3) OWRM will prepare an agenda item for the next Board meeting.
- d. If the permittee fails to sign the termination agreement within the 14-day review period, contact the permittee and arrange a meeting to discuss the objections to the proposed termination.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

- e. If the RO and the permittee fail to reach mutual agreement, the RO shall prepare a memorandum to the Director from the Regional Director providing a brief summary of the situation and recommending that a public hearing be held. See Appendix V, Approval Memorandum Recommending a Public Hearing (Termination of an Existing VPA Permit).).

4. Public Notice And Hearing

- a. If the Termination Agreement Form is not signed and returned by the permittee, public notice and hearing are necessary.
- b. The RO shall follow the Hearing Procedures described in Appendix II. If the Director approves the recommendation that a hearing be held by signing the memorandum, OPA will make the necessary arrangements including the 30 day notice to the permittee and conducting the hearing.

5. Termination Notification

- a. If the termination is approved by the State Water Control Board, OWRM shall notify the owner of the permit termination and provide a copy of this notice to the RO.
- b. The termination of activities should be conducted in accordance with guidance in the Sewerage Regulations, if applicable. This may require a close out plan and site inspection.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

V C. Denials of Requests

1. Prepare Response Letter

To deny a request for revocation and reissuance or termination, the RO shall prepare a letter to the requester outlining the reasons for the denial. The Regional Director will sign the letter.

For non-delegated permits, the RO shall obtain OWRM concurrence with the letter prior to signature by the Regional Director.

2. Appeal of a Denial

Denial of a revocation and reissuance or a termination may be appealed to the Director by a letter briefly stating the relevant facts.

3. Public Notice

A denial of a request for revocation and reissuance or termination is not subject to Public Notice, comment or hearing.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

VIII D. Group Revocation of No Discharge Certificates

The Permit Regulation (VR680-14-01) Section 9.4.C requires that all No Discharge Certificates be revoked by July 1, 1998 and, where appropriate, a VPA Permit issued. This process requires the signature of the certificate holder on a form indicating agreement to the revocation and agreement to waive the right to a hearing. Where certified animal waste facilities continue to operate, this form may also provide a means for the owner to indicate his operation has fewer than the minimum number of animal units required for a VPA Permit.

In cases where agreement to the revocation and a waiver of the right to a hearing cannot be obtained, the certificate must be revoked through a formal hearing held before the Board. The inability to obtain signatures on appropriate revocation agreement forms can be due to inability to contact the owner (i. e. death of owner, moved and left no forwarding address) or to the inability to obtain the owner's signature (i. e. refuses to sign, will not respond to communications). In attempting to meet the regulatory deadline for revocations, a backlog of unrevoked certificates that require a formal hearing for one of the above reasons may develop. In this case it is appropriate to revoke these certificates as a group in one formal hearing before the Board.

1. Review No-Discharge Certificate Files

Initiate the process of group revocation by reviewing regional files to determine if the existing information and documentation of contact with the certificate holder are sufficient. Each No Discharge Certificate file shall contain, as a minimum, documentation of a site inspection that indicates a VPA permit is not required and at least one attempt, sent by certified mail, to obtain the certificate holder's signature on the appropriate revocation agreement form. The Regional Office shall limit the certificates considered for this process to NDC's without an expiration date where no VPA permit is to be issued. This process should begin 6 months prior to the anticipated date of the formal hearing.

- a. All transmittals to certificate holders containing revocation agreement forms* shall be by certified mail. Those transmittals not made by certified mail cannot be accepted as evidence in the formal hearing.

- * The term "revocation agreement form" applies to any form contained in this manual used for the purposes of obtaining agreement with the revocation and a hearing waiver i. e. NDC Revocation Agreement Form, VPA Exemption Form, etc.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

1. Review No-Discharge Certificate Files (cont.)

- b. If a revocation agreement form was given to a certificate holder during a site inspection, this fact must be documented in the file as part of the inspection report. If a signed form is not received as a result of this transmittal, it must be followed up with an additional transmittal sent by certified mail to the certificate holder. If a follow-up transmittal is not performed, the evidence at the formal hearing will not list the site inspection as an attempt to gain revocation agreement.
- c. The NDC files must include the originals of the certified mail receipt and the return receipt.
- d. All telephone communications with the certificate holder shall be documented and included in the file.
- e. If, through the review process, the RO finds the documentation of the attempts to gain certificate holder agreement deficient, the RO shall perform an additional transmittal to attempt to obtain that agreement. This transmittal shall be by certified mail and shall be sent to the last address made known to the Department by the certificate holder. This transmittal shall be included in the information transmitted to OWRM for development of the formal hearing.

2. Create Formal Hearing Exhibit List

Upon completion of the No Discharge Certificate File Review, create the Formal Hearing Exhibit List for those certificates deemed by the RO to meet the documentation requirements described in paragraph 1. above.

- a. The Exhibit List format is contained in Appendix II.
- b. Each NDC being revoked shall have a corresponding entry in the Exhibit List. Each entry delineates the exact documentation, including dates and regional personnel, describing the RO's attempts to obtain certificate holder agreement with the revocation.
- c. Arrange the entries by certificate number in ascending numeric order.

3. Create Notification of Formal Hearing Letter

The Administrative Process Act requires that the certificate holder be notified of any impending action of the Board relative to the certificate. This notification must be made independent of and prior to Public Notice of the formal hearing. The RO shall generate the appropriate Formal Hearing Notification Letter for each certificate being considered for revocation. The appropriate revocation agreement form shall be included with this letter.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

3. Create Notification of Formal Hearing Letter (cont.)

- a. There are two letters that can be used as notification of the formal hearing. The Notification of Formal Hearing Letters are contained in Appendix II.
- b. The Notification of Formal Hearing Letter -- Continuing Operation is to be used when the facilities for which the NDC was originally issued are still owned by the original certificate holder, are still in operation, and do not require a VPA Permit.
- c. The Notification of Formal Hearing Letter -- Operation Ceased is to be used when the original owner has ceased operation of the facilities or the facilities were never built.
- d. When facilities for which an NDC was issued have changed ownership or the original owner is deceased, use the Notification of Formal Hearing Letter -- Operation Ceased.
- e. A VPA Exemption Form shall accompany each Notification of Formal Hearing Letter -- Continuing Operation. An NDC Revocation Agreement Form shall accompany each Notification of Formal Hearing Letter -- Operation Ceased. Appendix II contains copies of both these forms.

4. Generate Public Notice for Group Revocation

Generate a Draft Public Notice format announcing the formal hearing. Public Notice of Formal Hearing -- Group Revocation in Appendix II defines the format of the public notice and contains a paragraph describing the requirements for petitioning to be a party to the formal hearing. Public notice will be published in one newspaper per region. The appropriate newspaper for each region is listed in Appendix II.

5. Create Formal Hearing Package

The Formal Hearing Package shall contain the following: the Exhibit List, Notification of Formal Hearing for each certificate holder and the associated revocation form, a merge list with the name, address and certificate number associated with each NDC, the Public Notice, the original and one copy of the documentation of communication with the certificate holder along with a copy of each No Discharge Certificate.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

6. Transmit Formal Hearing Package to OWRM

Upon completion of all communication with the certificate holder, the review of the files and creation of the Formal Hearing Package, transmit the package to OWRM for review and completion of the formal hearing process.

- a. The Exhibit List, the merge list and the Public Notice shall be transmitted to OWRM in electronic format. This may be accomplished by mailing a floppy disk or through KERMIT. The RO may follow this up with a hard copy transmittal.
- b. The Notification of Formal Hearing and the revocation form should be transmitted to OWRM in hard copy. The letter will be signed by the Director of the Office of Water Resources Management (or by the Permits Program Manager for the Director, OWRM). Transmit the letter undated. OWRM will insert the date when it is sent to the certificate holder.
- c. Transmit this package no later than 90 days prior to the anticipated date of the formal hearing.

7. OWRM Review of Formal Hearing Package

Upon receipt of the package, OWRM reviews the package to ensure that the requirements listed in paragraph 5. are met. OWRM shall communicate with OPA at this point to inform them of the need for a formal hearing and to assist in review of the documentation.

- a. OWRM review requires evaluation of the submitted original documentation and the Exhibit List to ensure that sufficient documentation exists to support revocation of the certificate without certificate holder signature.
- b. The review process may result in removing some NDC's from consideration for revocation. Removal may be due to insufficient or erroneous documentation, controversy related to the NDC or the certificate holder, or determination that a VPA may be required.
- c. Upon completion of the review process, the documentation related to those NDC's removed from consideration for revocation will be returned to the regional office.

8. Compile Final Revocation List

Compiling the list of certificates to be submitted to the Director's Office for approval is an OWRM function. Considerable interaction between OWRM and the regional offices is required to explain anomalies in the documentation, fill in omissions that may exist and to validate the information that allows OWRM to properly categorize the NDC's.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

8. Compile Final Revocation List (cont.)

- a. For each NDC considered for group revocation, a valid reason for revocation must be documented. The reasons for revocation could be:

- 1) Owner has ceased operation
- 2) Facilities have changed ownership
- 3) Proposed facilities were never built
- 4) Facilities continue to operate but no VPA permit is required.

In addition to the above listed reasons, the causes for termination listed in Section VIII B.1. are valid reasons for revocation.

- b. For each NDC considered for group revocation, a valid reason why the RO could not obtain the certificate holder's signature on a valid revocation agreement form must be documented. The reasons for the inability to obtain owner signature are:

- 1) **Unable to Contact Owner** -- Where an owner has moved and left no forwarding address, the owner is deceased, or any time where contact with the certificate holder by certified mail results in a returned letter with an unsigned return receipt.
- 2) **Unable to Obtain Owner Signature** -- Where the Department has made contact with the certificate holder by certified mail and received a signed return receipt but has not been able to obtain a signature on the appropriate revocation agreement form.

9. Director's Office Approval of Request for Formal Hearing
OWRM generates an approval memo requesting the Director approve the request to convene a Formal Hearing for the purpose of revoking No Discharge Certificates without expiration dates. This approval memo is from the Director, Office of Water Resources Management for signature by the Director.

- a. Director approval of convening a formal hearing cannot be granted more than 60 days prior to the scheduled date of the formal hearing. Director approval cannot be granted less than 35 days prior to the hearing to allow for notification of the certificate holder and for a 30-day public notice period.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

9. Director's Office Approval of Request for Formal Hearing
(cont.)

- b. The final revocation list described in paragraph 8. must be attached to the approval memo submitted to the Director.
- c. Upon receipt of Director approval, reevaluate the final revocation list to determine if any of the listed NDC's should be removed from the list. No certificates may be added to the list after Director's Office approval.

10. Mail Notification of Formal Hearing Letter

After receipt of Director approval and review of the final revocation list, notify (using certified mail) each of the listed certificate holders of the date, time and place of the formal hearing. This communication should also include the associated revocation agreement form to allow the certificate holder another opportunity to agree to the revocation. This letter requires an original signature from the Director of the Office of Water Resources Management.

- a. The language of these letters has been previously approved by the AGO. OWRM may, at the discretion of the Permits Program Manager, send these letters to the AGO for confirmation of approval.
- b. Upon notification to the certificate holder of the intent to revoke the NDC through a formal hearing, receipt of a signed revocation agreement form shall not serve to remove the NDC from the list of certificates scheduled for revocation through formal hearing. When a certificate holder returns a signed revocation agreement form as a result of a notification of formal hearing, the staff shall make one recommendation; that the Board dismiss the certificate from the formal hearing and revoke it in a separate action.
- c. The Notification of Formal Hearing, the revocation agreement form, whether signed or unsigned, the certified mail receipt and the return receipt must be listed in the Exhibit list and included in the body of evidence at the formal hearing.

11. Public Notice of Formal Hearing

In addition to notification by certified mail of all certificate holders of the date, place and time of the formal hearing, public notice shall be given by publication in a newspaper of general circulation in the county, city or town where the activity is located.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

11. Public Notice of Formal Hearing (cont.)

- a. Only one public notice announcement need be generated for each region to announce the formal hearing. Public notice will be published in one newspaper per region and shall contain a list of all NDC's (by number) where revocation is expected at the formal hearing. The appropriate newspaper for each region is listed in Appendix II. All questions regarding this list should be referred to OPA.
- b. Any person may petition the Director to become a party to the formal hearing. This petition must come after the Director has authorized the formal hearing but not more than 15 days after publication of the notice. The contact person at headquarters for this process is the Permits Program Manager. See the Public Notice of Formal Hearing -- Group Revocation and Transmittal Letter to Newspaper in Appendix II for required wording.
- c. The Department shall allow a period of 30 days following the date of the Public Notice appearance, during which time all persons who are party to the hearing may submit their written comments regarding the formal hearing.
- d. The public notice shall be transmitted to the newspaper with a public notice Verification Sheet (see Appendix I).

12. Publication in the Virginia Register

All notifications for formal hearing must appear in the Virginia Register prior to the date on which the hearing is held. All questions regarding this procedure should be referred to OPA.

13. Prepare Findings of Fact and Conclusions of Law

Preparing the Findings of Fact and Conclusions of Law for the Group Revocation Formal Hearing is an OWRM responsibility. Findings of Fact and Conclusions of Law must be generated for all categories of NDC's considered for revocation at the formal hearing. All Findings of Fact and Conclusions of Law shall be reviewed by AGO prior to the hearing.

The NDC's are to be grouped into 4 categories: those to be dismissed and revoked, those to be continued, those where the Department was unable to contact the owner, and those where the Department was unable to obtain the owner's signature. Any questions regarding the form and content of the Findings of Fact and Conclusions of Law should be referred to OE/CA.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

13. Prepare Findings of Fact and Conclusions of Law (cont.)

- a. NDC's that are to be dismissed from the formal hearing and revoked are those certificates where a signed revocation agreement form was received as a result of the notification of the formal hearing. These certificates have to be revoked through the formal hearing process even though a signed revocation form was received.
- b. NDC's that are to be continued to a future formal hearing are those where controversy regarding the certificate may exist and the certificate was not deleted from the list prior to notification of public hearing. In determining whether to place an NDC into this category, OWRM and the RO must interact to review agency files and communicate with the owner when possible to resolve the controversy. Those certificates that are continued will not be revoked at the formal hearing.
- c. The documentation provided with each NDC must support the category in which the certificate is classified. For those certificates where the Department was unable to contact the owner, the documentation must have the original unsigned return receipts and the envelope indicating the revocation agreement form was not delivered.
- d. For those certificates where the Department was unable to gain owner signature on the appropriate revocation agreement form, the documentation should show that the letter was received by the certificate holder. A signed return receipt must be part of the documentation for each communication deemed to support this categorization.
- e. The OWRM staff shall also generate the Board's order ordering the action appropriate to the category. The order shall be formatted to allow signature by the Board chairman who will run the formal hearing. The orders must be submitted to the AGO for approval prior to the hearing.
- f. The staff shall also generate a meeting minute describing the presentation and action of the Board. The meeting minute shall be for signature by the Director, Office of Water Resources Management.

14. Generate Hearing Record

During the 30 day public notice period, OWRM will separate the signed return receipts, signed revocation agreement forms, and unsigned return receipts with the attached Notification of Formal Hearing and categorize them as described in paragraph 13. Each of the certificates listed within the categories must include the outcome of the notification of the formal hearing. A listing of this documentation shall be included in the Exhibit List.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

14. Generate Hearing Record (cont.)

- a. The hearing record is the evidence presented to the Board that supports the staff's recommendation for revocation of the NDC's presented at the formal hearing. The hearing record presented at the hearing shall be the originals (where possible) of all documentation supporting the actions of the Board. The staff must make a motion to the Board to allow copies of regional files to be substituted for the originals in the hearing record after the hearing is completed. This will allow the original documentation to be returned to the regional offices.
- b. The Exhibit List in Appendix II lists items that shall be included in the hearing record presented to the Board. These are minimum contents of that record. Additional items may be included where deemed appropriate.
- c. After the formal hearing, copies of regional files will be inserted for the originals, the originals returned to the regional offices and the hearing record transmitted to OPA. OPA is responsible for maintaining the hearing record files.

15. Presentation of Formal Hearing

The OWRM staff presentation made before the Board may include recommendations separated into 4 separate categories: dismiss and revoke, revoke at the formal hearing due to inability to contact the owner, revoke at the formal hearing due to inability to obtain owner signature, and continue to a future hearing those NDC's where significant controversy exists.

- a. During the formal hearing prior to the staff's presentation, the Board may request any person who is already a party to the hearing and who wishes to address the Board to step forward. Where a person who is a party to the hearing addresses the Board and presents reasonable grounds against revocation, the staff shall delete the NDC from the listed category and include it in the list of those to be continued. The staff's recommendation for continuance shall explicitly include the recategorized NDC in the list of those to be continued.
- b. At the beginning of the staff's presentation, a listing of all NDC's associated with the formal hearing shall be presented to allow complete review by the Board and all parties to the hearing.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

15. Presentation of Formal Hearing (cont.)

- c. For each category, the Findings of Fact and Conclusions of Law for that category will be presented into evidence along with a listing of all NDC's associated with the category.
- d. Upon completion of the hearing, the staff shall obtain the Chairman's signature on the Findings of Fact and Conclusions of Law and the Board's order ordering the revocation, dismissal and revocation, or continuance of the NDC's.
- e. The staff shall also obtain the Director of OWRM's signature on the meeting minute. A copy of the meeting minute shall be transmitted to OPA for inclusion in the summary documentation following the formal hearing.

16. Notification of State Water Control Board Action

Upon completion of the formal hearing and signing of the Board order, the Findings of Fact and Conclusions of Law, and the meeting minute, the certificate holder shall be notified of the State Water Control Board's action. This notification shall come in the form of a letter sent by certified mail to the certificate holder at the last known address made available.

- a. The letter shall state that the NDC was revoked, dismissed and revoked, or action was continued to a future Board meeting. A separate letter must be generated for those NDC's revoked, dismissed and revoked and continued at the formal hearing. Sample letters are contained in Appendix II.
- b. This letter shall be generated by OWRM and signed by the Director, Office of Water Resources Management and must be an original signature.
- c. In addition to the Notification of Board Action letter, the transmittal to the certificate holder must contain a copy of the signed Findings of Fact and Conclusions of Law, a copy of the signed Board order, and a copy of the signed meeting minute.
- d. Notification of Board Action letter should be signed and transmitted to the certificate holder within 24 hours of the Board's action.
- e. Where the staff was unable to contact certain NDC holders, the returned original and unsigned certified mail receipt shall be retained for the hearing record.

SECTION VIII
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

17. Documentation of Notification of Board Action

Once notification of Board action has been made, OWRM shall allow 30 days for the certificate holder to appeal the action of the Board. During the 30-day appeal period, the staff shall receive and retain the certified mail receipts, the return receipts, and the Notification of Board Action with attachments.

- a. In the case where the staff was unable to contact the owner, the Notification of Board Action included as documentation should be the original.
- b. In the case where the staff was unable to obtain owner signature, the Notification of Board Action will be a copy of the letter sent to the certificate holder.
- c. A copy of each Notification of Board Action shall be made and provided to OPA for inclusion in the hearing record.

18. Return of Original Regional Office Files

At the conclusion of the 30-day appeal period, the original regional office files shall be returned by OWRM to the RO along with the Notification of Board Action and original return receipts.

SECTION IX DENIAL PROCEDURES

IX A. Initiation of Denial Procedures

1. Owner Notification

If during the review process the RO identifies cause(s) for denial of the application as specified in §1.5.C. and §1.6 of the Permit Regulation, the RO shall inform the owner by letter of the cause(s) for denial and list the requirements necessary to obtain approval. This letter may also state any routine application deficiencies, but the issue(s) associated with the intent to deny shall be clearly stated and separated from other deficiencies and discussion. An example of a Letter of Intent to Deny is in Appendix V. Enclose with the letter the Application Withdrawal Form (Appendix V) as discussed below.

- a. The owner must notify the RO of his intent to modify or withdraw the application within 14 days of receipt of the Notice of Intent to Deny letter.
- b. If the owner withdraws the application, stop permit processing. The owner must sign and return the Application Withdrawal Form (Appendix V) or provide a reasonable substitute.
- c. If the owner modifies the application so that the cause(s) for the tentative decision to deny no longer exist(s), then the application should be processed according to the procedures outlined in Section I of this Manual.
- d. If the owner resubmits the application but fails or refuses to correct the cause(s) for denial, continue with the Denial Procedures by preparing the Tentative Denial Package and initiating enforcement action, if appropriate.

SECTION IX DENIAL PROCEDURES

IX B. Processing the Application Denial

1. Prepare the Tentative Denial Package

- a.** Processing of the Intent to Deny an application is similar to developing a draft permit package. Although a Fact Sheet/SOB is not required, a public notice of the intent to deny an application is required. The Public Notice of Intent to Deny is identical to the Public Notice for an issuance, except it indicates that the State Water Control Board does not intend to issue the permit to the applicant. The Tentative Denial Package must clearly state the reason(s) for the denial.
- b.** The RO shall send the Tentative Denial Package to OWRM for concurrence. The Tentative Denial package shall include: (1) VPA permit application; (2) copy of the Letter of Intent to Deny; (3) draft Public Notice of Intent to Deny; (4) any additional information necessary to explain the cause(s) of the denial.

2. OWRM and Director's Office Concurrence

- a.** OWRM will have fourteen days to review the Tentative Denial Package and will, upon concurrence, forward the Package to the Director's Office for their concurrence.

3. Public Notice of Intent to Deny

- a.** Upon the Director's Office concurrence, follow the normal Public Notice Procedures of Section III of this manual, except that the Department will pay the cost of publishing the notice.
- b.** Inform the owner of the Public Notice of Intent to Deny by sending a letter similar in format to the Draft Permit/PN Letter to Owner (Appendix I).

4. Public Hearing

- a.** If significant public response to the Intent to Deny is received during the thirty day comment period, the RO may recommend a public hearing. See Section III, Causes for Public Hearings. The Director will make the decision to approve or deny a public hearing.
- b.** If a public hearing is denied or comments received during the public notice comment period do not cause the Department to reconsider the Intent to Deny, prepare the Denial Package.

SECTION IX DENIAL PROCEDURES

- c. If a public hearing is approved, OPA will advertise the public hearing and receive comments on the proposed denial. OPA will notify all persons who commented during the public comment period. Comments from the hearing will be presented to the State Water Control Board for consideration. For an explanation and description of the Hearing Procedures, see Appendix II.

5. Public Participation Leading to Denial

If the RO recommended the issuance of a permit and if comments received during the public notice comment period or at a public hearing resulted in a recommendation for denial:

- a. Inform the applicant of the Intent to Deny the application (Letter of Intent to Deny, Appendix V). The applicant can then choose to withdraw or modify the application.
- b. Notify all persons who commented on the issuance during the public notice comment period or at the public hearing of the Intent to Deny. The Intent to Deny shall not be public noticed if the applicant does not modify or withdraw the application.
- c. The applicant will have 14 days to respond to the Letter of Intent to Deny. If the applicant does not respond within the 14 days, prepare the Denial Package.
- d. If the applicant modifies the application to resolve the causes for denial, follow the Issuance Procedures described in Section I and II.

6. Prepare the Denial Package

After the public participation process, if the applicant has neither modified nor withdrawn the application, draft an approval memorandum to the Director recommending denial of the permit. For an example, see the Approval Memorandum to Deny Format, Appendix V.

The Denial Package shall contain the following:

- a. Approval Memorandum to Deny
- b. Copy of written comments received during the public notice comment period
- c. Sample letter responding to those public comments signed by the RO Director
- d. Application (and permit package, if the denial arose from the public participation process of an intent to issue)
- e. Comments from public hearing, if one was held

SECTION IX DENIAL PROCEDURES

7. Process the Denial Package

- a.** Send the complete Denial Package to OWRM.
- b.** OWRM will send the package to the Director's Office for scheduling on the State Water Control Board meeting agenda.
- c.** If the Board agrees to deny the application, the Director's Office will return the package to the RO with a copy of the relevant Board minute.
- d.** The RO shall return the package to the owner with a copy of the relevant Board minute.
- e.** The RO will send a copy the Board minute to OWRM.

8. Owner Appeal Procedure

If an owner wants to appeal the Board's decision to deny, the owner may petition for a separate formal hearing before the Board. The petition must be filed within 30 days following the denial decision and according to the requirements of the Board's Procedural Rule 1.

APPENDIX I -- VPA ISSUANCE/REISSUANCE

I D. Application Review Letters to Owner

D.1. Application Administrative Review Letter to Owner

**Regional Letterhead
Date**

**Owner's Name
Address**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
(RO DISCRETION)**

**RE: Virginia Pollution Abatement (VPA) Permit Application
Facility Name**

Dear Applicant:

Your application, on (**date**) . has been reviewed for completeness and accuracy.

(For applications deemed complete)

Your application is considered administratively complete. A technical review of your application has been initiated. If there are no technical issues identified during the review, we will be able to commence processing your permit no later than (**date**) .

(For applications deemed incomplete)

Your application is considered administratively incomplete. The items found during our review of your enclosed application package are the following:

- a.
- b.
- c.

You are hereby requested to make the necessary corrections and/or provide the additional information outlined above. We are unable to initiate the technical review of your VPA Permit application until a complete and accurate application has been received.

(The following paragraph is for reissuances only.)

The Department of Environmental Quality will take prompt action against unpermitted pollutant management activities where the VPA Permit or No Discharge Certificate has expired and the permittee has not filed a timely and complete application for reissuance.

If we may be of further assistance, please contact us.

Sincerely,

Regional Office

**cc: DEQ - OWRM (for non-delegated permits)
VDH - RO (for land application of municipal sludge and/or effluent waste)**

APPENDIX I -- VPA ISSUANCE/REISSUANCE

D.2. Application Technical Review Letter to Owner

Regional Letterhead

Date

Owner's Name

Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
(RO DISCRETION)

RE: Virginia Pollution Abatement (VPA) Permit Application
Facility Name

Dear Applicant:

(For applications deemed technically complete)

Your application was received on (date) . We have reviewed your application for completeness and accuracy, and considered it administratively complete on (date) . A technical review of your application has also been performed. The technical issues identified during this phase of the review have been resolved and we have commenced processing your permit. When the permit has been drafted we will forward to you, for your review, a draft permit package and the proposed public notice.

(For applications deemed technically incomplete)

Your application, received on (date) . has been reviewed for completeness and accuracy, and considered administratively complete on (date) . A technical review of your application has also been performed. The following technical deficiencies were identified and need to be resolved:

- a.
- b.
- c.

You are hereby requested to make the necessary corrections and/or provide the additional information outlined above. We are unable to continue processing your VPA Permit application until these deficiencies have been resolved.

If we may be of further assistance, please contact us.

Sincerely,

Regional Office

cc: DEQ - OWRM (for non-delegated permits)
VDH - RO (for land application of municipal sludge and/or effluent waste)

APPENDIX I -- VPA ISSUANCE/REISSUANCE

I G. VPA Permit Exemption Form

Subject: Exemption From VPA Permit Requirements

To: (Regional Office Address)

Owner: (Owner's Name & Address)

An administrative change in the Permit Regulation VR 680-14-01 eliminates the No Discharge Certificate (NDC) and, in accordance with Section 62.1-44.15(5) of the State Water Control Law, I hereby agree to the revocation of No Discharge Certificate IW-ND-0000 and waive my right to a hearing.

Further to this agreement:*

1. I certify that the Department of Environmental Quality, Water Division has informed me and to the best of my knowledge I am not required by the Permit Regulation VR 680-14-01 to have a Virginia Pollution Abatement (VPA) Permit at this time.
2. I certify that my farm has (number of) (type of animal units). I further understand that if the number of animals maintained on my facility increases to (number of animal units requiring a permit), I must apply for a VPA Permit.
3. I certify that I: (1) will maintain a waste storage facility to ensure that there are no point source discharges of pollutants to State waters except in the case of a 25 year-24 hour or greater storm event and, (2) will maintain land application sites to minimize the impact on water quality.
4. I understand that if my operation degrades water quality in the future, the State Water Control Board may terminate this exemption and issue a VPA permit with specific conditions to eliminate the problems.

SIGNED: _____

TITLE: _____

DATE: _____

* For Facilities with No Discharge Certificates Only

APPENDIX I -- VPA ISSUANCE/REISSUANCE

APPENDIX I -- VPA ISSUANCE/REISSUANCE

H.4. Reissuance Letter - Revoke an NDC with Expiration Date

Regional Letterhead

Date

Permittee Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: John Contact

RE: No Discharge Certificate (NDC) No. IW-ND-0000,
Facility Name, Location

Dear Permittee:

This letter is to remind you that your referenced NDC will expire on (Expiration Date).

On July 1, 1988, Permit Regulation VR 680-14-01 became effective. This regulation replaced Procedural Rule No. 2 and changed the name of the No Discharge Certificate (NDC) to the Virginia Pollution Abatement (VPA) permit. Other changes have also been made to reflect the permit regulation revision. Therefore, if you wish to continue managing pollutants after the expiration date, you must be issued an VPA permit containing these and any other necessary changes.

In order to comply with the above statutory requirements for reissuance, you must complete and return the enclosed original application and one (1) copy to the above address.

You must also send a copy to:*

Virginia Department of Health and/or
Virginia Division of Soil and Water Conservation
(Appropriate Address)

If you desire that any of the provisions in the existing certificate be modified, please make this request on the application. The Permit Regulation requires that the application be submitted to the Department 180 days prior to the expiration date of your No Discharge Certificate.

* where application instructions require copy(s) to these addressees

APPENDIX I -- VPA ISSUANCE/REISSUANCE

H.4. Reissuance Letter - Revoke an NDC with Expiration Date (cont.)

NDC No. IW-ND-0000

Permittee Name

Date

Page 2

(Use the below paragraph, if the facility is on the OECA noncompliance list.)

As you are aware your facility has been in violation of NDC No. IW-ND-0000. If you are unable to comply with the provisions in your certificate and/or satisfy our Office of Enforcement and Compliance Auditing's requirements to manage pollutants in a manner which will maintain the certificate's provisions, the State Water Control Board may consider not issuing you a VPA permit.

(Use the next two paragraphs if an VPA Permit is to be issued prior to the expiration of the referenced NDC.)

To issue a VPA permit, we must revoke your existing No Discharge Certificate. The processing of and final Board action on this revocation will only occur following the issuance of a VPA Permit.

If you agree with the proposed revocation of your No Discharge Certificate and wish to waive your right to a hearing, please sign and date the enclosed Revocation Agreement Form in the spaces provided and return it with the VPA permit application form.

The Department of Environmental Quality will take prompt enforcement action against holders of certificates who have allowed the NDC to expire and have not filed a timely and complete application for issuance of a VPA Permit. In this regard, I solicit your cooperation in this matter.

If you have any questions concerning these requirements, please let me know.

Sincerely,

Regional Office

Enclosures: VPA Application (Forms A and B, C or D as applicable)
(NDC Revocation Agreement Form)

cc: OWRM (Non-delegated)
OECA (when applicable)

APPENDIX I -- VPA ISSUANCE/REISSUANCE

H.5. Reissuance Letter - Revoke an NDC without Expiration Date

Regional Letterhead

Date

Permittee Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: John Contact

RE: No Discharge Certificate (NDC) No. IW-ND-0000,
Facility Name, Location

Dear Permittee:

On July 1, 1988, Permit Regulation VR 680-14-01 became effective. This regulation replaced Procedural Rule No. 2 and changed the name of the No Discharge Certificate (NDC) to the Virginia Pollution Abatement (VPA) permit. Other changes have also been made to reflect the Permit Regulation revision. Therefore, if you wish to continue managing pollutants, your NDC will be revoked and a VPA permit issued containing these and any other necessary changes.

In order to comply with the above statutory requirements, you must complete and return the enclosed original application and one (1) copy to the above address.

You must also send a copy to:

Virginia Department of Health and/or
Virginia Division of Soil and Water Conservation
(Appropriate Address)

If you desire that any of the provisions in the existing certificate be modified, please attach this request to the application. The Permit Regulation requires the application to be submitted to the Department within 180 days of receipt of this letter.

(Use the below paragraph, if the facility is on the OECA noncompliance list.)

As you are aware your facility has been in violation of NDC No. IW-ND-0000. If you are unable to comply with the provisions in your certificate and/or satisfy our Office of Enforcement and Compliance Auditing's requirements to manage pollutants in a manner which will maintain the certificate's provisions, the State Water Control Board may consider not issuing you a VPA permit.

*** where application instructions require copy(s) to these addressees**

APPENDIX I -- VPA ISSUANCE/REISSUANCE

H.5. Reissuance Letter - Revoke an NDC without Expiration Date (cont.)

NDC No. IW-ND-0000

Permittee Name

Date

Page 2

To issue a VPA permit, we must revoke your existing No Discharge Certificate. The processing of and final Board action on this revocation will only occur following the issuance of a VPA Permit. According to the Permit Regulation, all No Discharge Certificates will expire by July 1, 1998, including those issued without expiration dates. The Department of Environmental Quality will take prompt enforcement action against holders of NDC's that have expired without filing a timely and complete VPA permit application.

If you agree with the proposed revocation of your No Discharge Certificate and wish to waive your right to a hearing, please sign and date the enclosed Revocation Agreement Form in the spaces provided and return it to this office with the VPA permit application form.

If you have any questions concerning the requirements for your VPA permit, please let me know.

Sincerely,

Regional Office

**Enclosures: VPA Application (Forms A and B, C or D as applicable)
NDC Revocation Agreement Form**

**cc: OWRM (Non-delegated)
OECA (when applicable)**

APPENDIX I -- VPA ISSUANCE/REISSUANCE

I J. Transmittal Letters to VDH

1. Application Transmittal Letter to VDH

Regional Letterhead

Date

VDH Regional Director
Virginia Department of Health
Division of Water Programs
Regional Office Address

Re: Application for Virginia Pollution Abatement (VPA) Permit
No. VPA00000/dated (date),
Facility Name, Location

Dear Regional Director:

This letter transmits a copy of the referenced **Issuance/Reissuance/Modification** VPA application for your review.

Any comments and/or objections regarding the sufficiency of this application shall be directed to the Virginia Department of Environmental Quality, Water Division at the following address:

Virginia DEQ, Water Division
Regional Office
Address

Please submit a letter to this office within 14 days with your preliminary comments or objections to the application or a statement verifying that the Virginia Department of Health has no comments on the application.

Please contact this office if you wish to coordinate a visit to the site of the proposed activities.

Any comments the Virginia Department of Health wishes to make on the technical aspects of this application or the pollutant management activity it addresses must be received by this office within 60 days in order for us to process the application in a timely manner.

Sincerely,

Regional Office

Enclosure: VPA Application

APPENDIX I -- VPA ISSUANCE/REISSUANCE

J.2. Draft Permit Transmittal Letter to VDH

Regional Letterhead

Date

VDH Regional Director
Virginia Department of Health
Division of Water Programs
Regional Office Address

**Re: Virginia Pollution Abatement (VPA) Permit No. VPA00000,
Facility Name, Location**

Dear Regional Director:

This letter transmits a copy of the referenced **Issuance/Reissuance/Modification** draft permit and supporting documentation for your review and concurrence. (A reliability class _____ is assigned to this facility and the facility has class _____/no licensed operator requirements.) This draft permit consists of ____.

Any comments and/or objections regarding the sufficiency of this package shall be directed to the Virginia Department of Environmental Quality, Water Division at the above address.

**Virginia DEQ, Water Division
Regional Office
Address**

Please submit a response to this office within 14 days with your comments or objections to the draft permit or a statement verifying the Virginia Department of Health has no comments on the draft permit.

Sincerely,

Regional Office

**Enclosures: Draft VPA Permit
Draft Fact Sheet/SOB**

APPENDIX I -- VPA ISSUANCE/REISSUANCE

K 1. Draft Permit/PN letter to owner

(PTS generated)

Regional Letterhead

Date

Facility Name
Facility Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: John Q. Contact

Re: VPA Permit No. VPA00000

Dear Permittee:

The State Water Control Board is considering processing the above permit. Please review the enclosed public notice and draft permit package carefully.

Certain public notice procedures must be complied with before the actual permit can be approved. They are as follows:

1. The attached public notice must be published once a week for two consecutive weeks, exactly 7 days apart, in a newspaper of general local circulation. Please complete, sign, and return the attached authorization form which will allow us to mail the notice to the newspaper and permit the newspaper to bill you for the public notice.
2. A minimum of 30 days will be allowed for public response following the date of the first public notice. If no public response is received, or the public response can be satisfactorily answered, then the permit will be processed. However, if there is significant public response, then we may hold a public hearing. You will be advised should this occur.

Please return the Public Notice Authorization immediately so that we can continue processing your permit. If you have any questions or comments on the draft permit or public notice requirements, please contact me within 14 days. If you have not submitted the authorization form within 14 days, permit processing will cease, your application will be returned as incomplete, and returned to you.

Sincerely,

John Q. Writer
Permit Engineer

Enc.

cc: OWRM (non-delegated)

APPENDIX I -- VPA ISSUANCE/REISSUANCE

APPENDIX I -- VPA ISSUANCE/REISSUANCE

K.2. Public Notice Authorization Form

(PTS Generated)

**AUTHORIZATION TO BILL APPLICANT FOR
VIRGINIA POLLUTION ABATEMENT PERMIT PUBLIC NOTICE**

I hereby authorize the Virginia Department of Environmental
Quality, Water Division to have the cost of publishing a public
notice once a week for two consecutive weeks, exactly seven days
apart, in the:

Newspaper Name

charged to:

Agent or department to be billed:

Telephone No:

Applicant's Address:

Authorizing Agent:

Signature

Permit No. VPA00000
Attn: John Q. Writer

cc: OWRM (Non-delegated Permit)

APPENDIX I -- VPA ISSUANCE/REISSUANCE

APPENDIX I -- VPA ISSUANCE/REISSUANCE

K.3. Public Notice Format

(PTS Generated)

**PUBLIC NOTICE
ISSUANCE* OF A VIRGINIA POLLUTION ABATEMENT (VPA) PERMIT
AND
STATE CERTIFICATION UNDER THE STATE WATER CONTROL LAW**

Public Notice No.: VA-Regional Office Number

First Publication Date: (To be supplied by the newspaper)

**The State Water Control Board has under consideration
(issuance/reissuance/modification/denial) of the following Virginia
Pollution Abatement Permit:**

Facility Name and Location:

VPA Permit Number: VPA00000

Name of Owner: (If different than above)

Owner's Address: (If different than above)

**Description of VPA Pollutant Management Activities: (Brief
description of applicant's operation)**

**The proposed (issuance/reissuance/modification/denial) consists of
(briefly describe administrative revocation of current
NDC/issuance/reissuance/modification/denial). This proposed
(issuance/reissuance/modification/denial) is tentative.**

**On the basis of preliminary review and application of lawful standards
and regulations, the State Water Control Board proposes to
(issue/reissue/modify/deny) the Virginia Pollution Abatement Permit
subject to certain conditions.**

*** Insert appropriate permit action: ISSUANCE, REISSUANCE,
MODIFICATION, or DENIAL**

APPENDIX I -- VPA ISSUANCE/REISSUANCE

K.3. Public Notice Format (cont.)

(PTS Generated)

(Public Notice Continued - Page 2)
(Permit No. VPA0000)

Persons may comment in writing to the Department of Environmental Quality, Water Division on the proposed **issuance*** of the Virginia Pollution Abatement Permit within 30 days from the date of the first notice. Comments shall include the name, address, and telephone number of the writer and shall contain a complete, concise statement of the factual basis for the comments. Only those comments received within this period will be considered. The Department of Environmental Quality may decide to hold a public hearing if it determines that public response is significant.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting **John Q. Writer** at:

Virginia DEQ, Water Division
Regional Office
Address

Telephone No. (000) 000-0000

Following the comment period, the Director will make a determination regarding the proposed (**issuance/reissuance/modification/denial**). This determination will become effective, unless the Director grants a public hearing. Due notice of any public hearing will be given.

*Insert appropriate permit action: **issuance, reissuance, modification or denial**

APPENDIX I -- VPA ISSUANCE/REISSUANCE

K.4. Transmittal Letter to Newspaper

(PTS Generated)

Regional Letterhead

Date

Newspaper Name
Address

RE: VPA Permit No. VPA00000
Facility Name

Dear Editor:

Please publish the enclosed public notice in the earliest possible edition of your paper once a week for two consecutive weeks, exactly 7 days apart. Publish it in the legal section in the smallest print possible and add the public notice issue date to the public notice. Upon completion of the advertising, please forward the bill for your services to:

Facility Name
Address

Also, please complete and return to this office the attached sheet certifying that the public notice has been published as requested.

Sincerely,

John Q. Writer
Permit Engineer

Enclosures: Public Notice Format
Public Notice Verification Sheet

cc: OWRM - Mailing List
Facility

APPENDIX I -- VPA ISSUANCE/REISSUANCE

K.5. Public Notice Verification Sheet

(PTS Generated)

PUBLIC NOTICE VERIFICATION SHEET

PASTE PRINTED COPY OF NOTICE IN THIS SPACE

I hereby certify that the notice enclosed in the space above appeared in **Newspaper Name** once weekly for two consecutive weeks, exactly 7 days apart, on these dates:

_____ 19 ____

_____ 19 ____

(Signature)

(Title)

_____ 19 ____
(Date)

Permit No. VPA00000
Attn: John Q. Writer

APPENDIX I -- VPA ISSUANCE/REISSUANCE

K.6. Draft Permit/Optional PN Letter to Owner

(PTS Generated)

Regional Letterhead

Date

Facility Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: John Contact

RE: VPA Permit No. VPA00000, VPA Permit Issuance/Reissuance
Facility Name, Location

Dear Permittee:

This letter is to advise you that the State Water Control Board is considering the referenced permit action. In order for us to continue processing your permit, there are three things that you should do and these are presented in the following paragraphs:

1. Review the enclosed public notice and draft permit package carefully. If you have any questions, comments, or objections concerning the draft permit or public notice, please contact this office within the next 14 days. If you agree to accept the draft permit and all the conditions contained therein, then you should proceed to the next paragraph.
2. Publish a notice in **Newspaper Name** as soon as possible. This notice must be published once a week for two consecutive weeks, exactly 7 days apart. Following the first public notice appearance in the newspaper, a minimum of 30 days will be allowed for the public to comment. If no public response is received, or if the public response received can be satisfactorily answered, then the permit will be issued. However, if there is significant public interest, then it may be necessary to initiate public hearing procedures. If a public hearing is necessary, you will be so advised.

APPENDIX I -- VPA ISSUANCE/REISSUANCE

K.6. Draft Permit/Optional PN Ltr. to Owner (cont.) (PTS Generated)

Permit No. VPA00000

Facility Name

Date

Page 2

3. Provide us with proof that the notice has been published in the newspaper. Proof of publication shall consist of one of the following:

- The enclosed public notice verification sheet completed and signed by the newspaper, or
- The actual copies of pages from the newspaper showing the notice and the date of the newspaper.

We are required by the State Water Control Law to process this permit within a certain time, therefore, we must limit you to 35 days to complete the above steps. If you have not completed all the above steps by (date) , permit processing will cease, your application will be considered as incomplete and returned to you.

Sincerely,

John Q. Writer
Permit Engineer

Enclosures: Draft Permit
Fact Sheet/ SOB
Public Notice Format
Public Notice Verification Sheet

cc: OWRM - Mailing List

APPENDIX I -- VPA ISSUANCE/REISSUANCE

I L. Approval Memorandum - Issuance/Reissuance VPA Permit

SUBJECT: (Issuance/Reissuance) of Virginia Pollution Abatement
Permit No. VPA00000
Facility Name, Location

TO: Director

FROM: OWRM Permits Program Manager (Non-delegated)
Regional Water Resource Manager (Delegated)

DATE: (Date signed)

COPIES: RO, OWRM, VDH (Sewage Sludge, Sewage Effluent)

Legal Name of Owner: (Obtain from Application)

Application Submitted By: (Applicant and Title)

Application Date: Initial application received on
_____. Application complete on
_____.

Description of Operation:
(If Applicable SIC Code
for industries)

Brief description of operation.

Example: The industry is involved in the manufacture of paper chairs utilizing as raw materials tooth picks and recycled paper. Wastewaters originate from the pulverizing, de-inking and cleaning operations.

Type of Pollutant
Management Activities:

Brief description and geographic location of pollutant management activities.

APPENDIX I -- VPA ISSUANCE/REISSUANCE

I L. Approval Memorandum - Issuance/Reissuance VPA Permit (cont.)

Page 2

Public Notice:

The application and draft permit have received public notice in accordance with the Permit Regulation and responses to the public notice indicated that the pollutant management activity (is or is not) controversial. (Owner's objections shall be considered as controversial.)

(Provide detailed description of controversy. Also, provide the public hearing date and reference the background memorandum.)

OR

The staff believes the pollutant management activity is controversial; however, the staff addressed all comments satisfactorily and does not believe a public hearing is necessary. (Provide how the controversy was addressed.)

OR

The application and draft permit have received public notice in accordance with the Permit Regulation and no comments were received. The Virginia Pollution Abatement Permit (is or is not) controversial.

VDH Comments:

VDH comments on application of sludge and/or sewage effluent only. N/A for others.

Previous Board Action:

Summarize all previous Board actions affecting the VPA Permit (if none, state none).

Staff Comments:

Explanation for delays in issuance/reissuance.

Additional comments including previous VPA Permit actions (issuance, reissuance, or modification) and NDC replacement.

APPENDIX I -- VPA ISSUANCE/REISSUANCE

I L. Approval Memorandum - Issuance/Reissuance VPA Permit (cont.)

Page 3

Staff Comments (Cont.):

The staff has reviewed this proposal and has determined that the facilities as designed, if properly installed and operated, will not adversely affect State waters.

If applicable, explain compliance status and reasons for short term permit.

Licensed Operator Requirements:
(Sewage Sludge/Effluent)

(The staff believes that a Class _____ Operator is required) or (A licensed operator is not required).

STAFF RECOMMENDATIONS:

The staff recommends that the Director:

1. Approve the subject permit and its requirements.
2. (Issue/Reissue) Virginia Pollution Abatement Permit No. VPA00000 (for a term of _____ years) (use for short term permit only).

APPROVED: _____ *

Director

DATE: _____

* Signed by Director Office of Water Resources Management (OWRM)
(Non-delegated Permits)

Signed by Regional Director (Delegated Permits)

APPENDIX I -- VPA ISSUANCE/REISSUANCE

APPENDIX I -- VPA ISSUANCE/REISSUANCE

I M. Issuance/Reissuance VPA Permit Transmittal Letter to Owner

1. Non-delegated Issuance/Reissuance Permit Transmittal Letter

Headquarter's Letterhead
(w/out Board members)

Date signed

Owner's Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Virginia Pollution Abatement Permit No. VPA000000,
Facility Name, Location

Dear Permittee:

The Director has approved the **issuance/reissuance** of the referenced permit. This approval is in accordance with (the letter from the Virginia Department of Health dated _____ and*) the enclosed memorandum.

Your permit is also enclosed. (In accordance with the permit, you are required to submit monitoring reports to:

Virginia DEQ, Water Division
Regional Office
Address

These reports are due to the Regional Office by the 10th of the month following the monitoring activity. Your first report is due by the 10th of _____.**) (The reporting form is included with the permit. You will be responsible for obtaining additional copies.***) Please refer to the permit Special Conditions (Parts I.B. and I.C.) for any special reporting requirements associated with this permit.

(A Reliability Class **xx** is assigned to this facility and this facility has Class **xx**/no licensed operator requirements.*)

- * Land application of sewage sludge or sewage effluents
- ** When monitoring is required
- *** Use these sentences if a DEQ supplied form is to be used.

APPENDIX I -- VPA ISSUANCE/REISSUANCE

1. Non-delegated Issuance/Reissuance Permit Transmittal Letter (cont.)

Permit No. VPA00000

Facility Name

Date

Page 2

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in § 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Permits Program Manager,
Office of Water Resources Management

Enclosures: Memorandum
Permit No. VPA00000

cc: Regional Office
Department of Health - Region*
Department of Health - Richmond*

* Land application of sewage sludge or sewage effluents

APPENDIX I -- VPA ISSUANCE/REISSUANCE

M.2. Delegated Issuance/Reissuance Permit Transmittal Letter

Regional Letterhead

Date signed

Owner's Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: John Contact

RE: Virginia Pollution Abatement Permit No. VPA00000,
Facility Name, Location

Dear Permittee:

The Director has approved the **issuance/reissuance** of the referenced permit. This approval is in accordance with (the letter from the Virginia Department of Health dated _____ and*) the enclosed memorandum.

Your permit is also enclosed. (In accordance with the permit, you are required to submit monitoring reports to the Regional Office at the above address. These reports are due to the Regional Office by the 10th of the month following the monitoring activity. Your first report is due by the 10th of _____.**) (The reporting form is included with the permit. You will be responsible for obtaining additional copies.**) Please refer to the permit Special Conditions (Parts I.B. and I.C.) for any special reporting requirements associated with this permit.

(A Reliability Class **xx** is assigned to this facility and this facility has Class **xx**\no licensed operator requirements.*)

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

- * Land application of sewage sludge or sewage effluents
- ** When monitoring is required
- *** Use these sentences if a DEQ supplied form is to be used.

APPENDIX I -- VPA ISSUANCE/REISSUANCE

**M.2. Delegated Issuance/Reissuance Permit Transmittal Letter
(cont.)**

Permit No. VPA00000

Facility Name

Date

Page 2

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in § 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Regional Water Resource Manager

Enclosures: Memorandum
Permit No. VPA00000

cc: DEQ - OWRM
Department of Health - Region*
Department of Health - Richmond*

* Land application of sewage sludge or sewage effluents

APPENDIX I -- VPA ISSUANCE/REISSUANCE

I N. Routing and Transmittal Slip

DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION ROUTING AND TRANSMITTAL SLIP			
PACKAGE FOR PERMIT # VPA _____ for _____ Region _____			
ISS. _____ REISS. _____ REV/REISS. _____ MOD. _____ MUN. _____ IND. _____			
Contains: Application _____ Fact Sheet _____ Draft Permit _____ Final Permit _____			
NAME	INITIALS	DATE RECEIVED	DATE COMPLETE
L. Spach-Korepta			
Dale Phillips/Staff			
L. Spach-Korepta			
Toxics Program Supervisor			
L. Spach-Korepta			
OEA/Groundwater			
L. Spach-Korepta			
Dale Phillips			
L. Spach-Korepta			
Martin Ferguson			
L. Spach-Korepta			
Larry Lawson			
L. Spach-Korepta			
Director's Ofc for Signature			
L. Spach-Korepta			

* * * * * IMPORTANT * * * * *		
PERMIT ASSIGNMENT		
Received in HQ/OWRM		
Permit review assigned to		
Date review/comments due:		
TMP review/drafting assigned to		
Date review/drafting due		
ALL COMMENTS DUE TO DALE PHILLIPS BY:		
To be returned to RO/returned		
Process Suspended/Restarted Reason:		
Region notified via PROFS/FAX		

APPENDIX I -- VPA ISSUANCE/REISSUANCE

APPENDIX I -- VPA ISSUANCE/REISSUANCE

I O. Interim Authorization Letter

**Headquarter's Letterhead
(w/out Board Members)**

Date

Applicant's Address

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dear Applicant:

The _____ Regional Office received a complete application accompanied by conceptual plans from you on (date) for (describe proposal).

These proposed facilities, designed by (Name of agency or consultant), appear to satisfy the technical requirements of this Agency. Under §2.1.A.2.b. of the Board's Permit Regulation, you are authorized to proceed with construction of the facilities proposed.

This authorization shall in no way be binding upon the final decision to issue a permit and commencement of construction is at your own risk. (Coverage under this authorization does not relieve you of your responsibility to acquire from the Department of Health authorization for the construction and operation of your waste management system.*) This authorization may be withdrawn if there is an actual discharge to State waters from the facilities or for other cause. If you should have any questions concerning this interim authorization or the status of your application for a permit, please do not hesitate to contact our _____ Regional Office at the below address:

**Virginia DEQ, Water Division
Regional Office
Address**

Telephone No. (000) 000-0000

Sincerely,

**Richard N. Burton
Director**

**cc: OWRM (Non-delegated only)
RO
Others as appropriate**

*** For municipal sewage or sludge systems**

APPENDIX II -- PUBLIC HEARING

II A. Approval Memorandum Recommending (Convening/Denying) a Public Hearing

SUBJECT: Recommendation for (Convening/Denying) a Public Hearing for (Issuance/Reissuance/Modification) of Virginia Pollution Abatement (VPA) Permit No. VPA00000

TO: Director

FROM: Regional Director

DATE: (Date signed)

COPIES: OWRM, OPA

Legal Name of Owner:

Type of Pollutant Management Activity:

Existing (Industrial/Municipal/Animal Waste) Facility. Facility involves (frequent/infrequent) land application of (sewage/industrial) sludge on sites (owned/leased) by the sludge generator.

Background:

Include any background information concerning the issuance, reissuance, modification or denial of the VPA Permit.

Public Notice:

Summary of comments received and persons/groups who submitted their comments concerning the VPA Permit actions. Attach copies of the comments. If a large number, send representative samples.

Staff Comments:

Include the effective date of the VPA Permit for reissuance or modification. Include all comments the staff feels are important concerning the VPA Permit action. Provide a rationale for convening or denying a public hearing.

APPENDIX II -- PUBLIC HEARING

II A. Approval Memorandum Recommending (Convening/Denying) a Public Hearing (cont.)

STAFF RECOMMENDATIONS:

The staff recommends that the Director:

1. (**Approve/Deny**) the request for a public hearing concerning the (**issuance/reissuance/modification**) of VPA Permit No. VPA00000.
2. (Authorize the convening of a public hearing concerning the (**issuance/reissuance/modification**) of VPA Permit No. VPA00000.) or (Direct the staff to notify those requesting the hearing of the denial of the request).

APPROVED: _____

Director

DATE: _____

APPENDIX II -- PUBLIC HEARING

II B. Approval Memorandum Recommending (Convening/Denying) a Public Hearing (Denial of a VPA Application)

SUBJECT: Denial of VPA Permit Application dated (date)
Facility Name, Location

TO: Director

FROM: Regional Director

DATE: (Date signed)

COPIES: VDH (Sewage Sludge/Effluent)
OWRM
OPA

Legal Name of Owner:

Type of Pollutant
Management Activity:

Proposed (Industrial/ Municipal/Animal Waste) Facility. Facility involves (frequent/ infrequent) land application of (sewage/industrial) sludge on sites (owned/leased) by the sludge generator.

Background:

Include any background information concerning the VPA application denial.

Public Notice:

Summary of comments received and persons/groups who submitted their comments concerning the application denial. Outline those comments that lead to the recommendation for denial. Attach copies of the comments. If a large number, send a representative sample.

Previous Board Action

Summarize any previous Board/Director /OE actions directly related to the proposed denial. If none, state none.

APPENDIX II -- PUBLIC HEARING

II B. Approval Memorandum Denial Format (cont.)

Staff Comments

Briefly explain the reasons for the proposed denial. Briefly summarize Department or owner actions related to the denial. Provide a rationale for convening or denying a public hearing.

Additional comments to include previous application or permit activity.

STAFF RECOMMENDATIONS:

The staff recommends that the Director:

1. (Approve/Deny) the request for a public hearing concerning the denial of the subject VPA Permit Application.
2. (Authorize the convening of a public hearing concerning the denial of a VPA Permit Application.) or (Direct the staff to notify those requesting the hearing of the denial of the request).

APPROVED: _____
Director

DATE: _____

APPENDIX II -- PUBLIC HEARING

II C. Hearing Procedures

HEARING PROCEDURES

DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION

FOR ADDITIONAL INFORMATION CONTACT THE OFFICE OF POLICY ANALYSIS

APPENDIX II -- PUBLIC HEARING

II D. Formal Hearing Exhibit List

Paragraph 2. of Section VIII D describes the creation of the exhibit list that will eventually be transmitted to OWRM. This exhibit list is in turn incorporated into the Formal Hearing Exhibit List presented to the Board during the formal hearing. Paragraph II D 6. indicates that the exhibit list created by each region should be transmitted in electronic copy. This allows OWRM to change the lists as additional transmittals are made or as individual NDC's are added or deleted from the list.

When developing an exhibit list, each region should only provide the information described in Exhibits # 7 and 8 shown in the following Formal Hearing Exhibit List. Exhibits 1, 2, 3, 4, 5, 6 and 9 will be added by OWRM after the Notification of Formal Hearing is mailed. Exhibits 1 through 5 involve steps performed by OWRM and require information that each region cannot provide. An NDC listed in Exhibit # 6 requires a signed revocation form be received and Exhibit 9 will be added to throughout the process of preparing for the formal hearing.

Exhibits 7 and 8 are set-up in the format that the Formal Hearing Exhibit List requires. Those items that must be filled in by regional personnel are denoted by bold instructions surrounded by parenthesis (i. e. **(Provide Date)**). Item 1. in each exhibit is the Notification of Formal Hearing that is sent after Executive Director approval. This information is to be provided by OWRM so regional personnel should not add a date to this item. The Exhibit List transmitted by the Regions to OWRM should contain the title, Exhibit # 7, Exhibit # 8 and numbered items within Exhibits 7 and 8 that describe the NDC documentation.

APPENDIX II -- PUBLIC HEARING

II D. Formal Hearing Exhibit List (cont.)

NDC Revocations
Unsigned Revocation Agreement Forms
Formal Hearing
Exhibit List
(Date)

- [illegible]

APPENDIX II -- PUBLIC HEARING

II D. Formal Hearing Exhibit List (cont.)

Exhibit # 6 No Discharge Certificates where a signed Revocation Form was received

1. Name and Number on No Discharge Certificate

1. Letter announcing formal hearing with copy of NDC Revocation Agreement Form (date provided by OWRM).
2. Signed NDC Revocation Agreement Form (date provided by OWRM).
3. Letter dated (Provide date) from (Provide regional staff member who signed letter and regional office) with NDC Revocation Agreement Form
4. Inspection Report from (Provide Regional staff member who signed letter and regional office) dated (Provide date).
5. Copy of No Discharge Certificate

Exhibit # 7. Listing of No Discharge Certificates where no Revocation Agreement Form has been signed due to Inability to contact owner

Regional Office Name

1. Name and Number on No Discharge Certificate

1. Original letter announcing formal hearing with copy of NDC Revocation Agreement Form (date provided by OWRM).
2. Letter dated (Provide date) from (Provide regional staff member who signed letter and regional office) with NDC Revocation Agreement Form
3. Inspection Report from (Provide regional staff member who signed letter and regional office) dated (Provide date).
4. Copy of No Discharge Certificate

Exhibit 8. Listing of No Discharge Certificates where Revocation Agreement Form Unsigned due to Inability to obtain Owner Signature

Regional Office Name

1. Name and Number on No Discharge Certificate

1. Original Letter announcing Formal Hearing with copy of NDC Revocation Agreement Form (date provided by OWRM).
2. Letter dated (Provide date) from (Provide regional staff member who signed letter and regional office) with NDC Revocation Agreement Form
3. Inspection Report from (Provide regional staff member who signed letter and regional office) dated (Provide date).
4. Copy of No Discharge Certificate

APPENDIX II -- PUBLIC HEARING

II D. Formal Hearing Exhibit List (cont.)

- Exhibit # 9. Listing of No Discharge Certificates where a continuance is being requested

Regional Office Name

1. **Name and Number on No Discharge Certificate**

1. Original Letter announcing Formal Hearing with copy of NDC Revocation Agreement Form (date provided by OWRM).
2. Letter dated (Provide date) from (Provide Regional Person who signed letter and Regional Office) with NDC Revocation Agreement Form
3. Inspection Report from (Provide Regional Person who signed letter and Regional Office) dated (Provide Date).
4. Copy of No Discharge Certificate

APPENDIX II -- PUBLIC HEARING

II E. Notification of Formal Hearing Letter - Continuing Operations

Agency Letterhead (without Board members)

Certificate Holder Name
Certificate Holder Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Notification of Formal Hearing concerning Revocation of
No Discharge Certificate No. IW-ND-0000

Dear Certificate Holder:

The State Water Control Board intends to consider the revocation of the referenced No-Discharge Certificate in accordance with the State Water Control Law, §62.1-44.15(5) which grants the Board the authority to issue, revoke or amend certificates. This revocation is being undertaken because the facilities for which the certificate was issued are either no longer operating or are continuing to operate and do not require a VPA permit. The Director has authorized the convening of a formal hearing before the Board to consider the referenced revocation. The formal hearing will be held at the Virginia Water Control Board Boardroom, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, VA. The formal hearing is scheduled for (provide time), or as soon as possible thereafter on (provide date).

On July 1, 1988, the Permit Regulation VR-680-14-01 became effective. This regulation replaced Procedural Rule No. 2 and changed the name of No Discharge Certificates (NDCs) to Virginia Pollution Abatement (VPA) Permits. The new permit regulation requires that:

1. all animal feeding operations shall have no point source discharge of pollutants to State waters except in the case of a 25 year-24 hour rainfall event, and
2. animal feeding operations which confine 300 or more animal units and require treatment works to store wastewater or otherwise prevent a point source discharge of wastewater, must have a VPA permit.

Because your facility does not have 300 or more animal units, you are not required to obtain a VPA permit at this time.

APPENDIX II -- PUBLIC HEARING

II E. Notification of Formal Hearing Letter - Continuing Operations (cont.)

If you agree with the proposed revocation and wish the prescribed hearing be dispensed with, please sign and date the attached VPA Permit Exemption Form in the spaces provided and return it to this office within 14 days. If you wish to attend the hearing, please notify me so that a time can be scheduled.

If you have any comments or questions relative to the proposed revocation, please feel free to contact this office.

Sincerely,

Larry G. Lawson
Director
Office of Water Resources
Management

Attachment: VPA Permit Exemption Form

APPENDIX II -- PUBLIC HEARING

III F. Notification of Formal Hearing Letter - Operation Ceased

Agency Letterhead
(without board members)

Certificate Holder Name
Certificate Holder Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

**RE: Notification of Formal Hearing Concerning Revocation of
No Discharge Certificate No. IW-ND-0000**

Dear Certificate Holder:

The State Water Control Board intends to consider the revocation of the referenced No-Discharge Certificate in accordance with the State Water Control Law, §62.1-44.15(5) which grants the Board the authority to issue, revoke or amend certificates. This revocation is being undertaken because the facilities for which the certificate was issued are either no longer operating or are continuing to operate and do not require a VPA permit. The Director has authorized the convening of a formal hearing before the Board to consider the referenced revocation. The formal hearing will be held at the Virginia Water Control Board Boardroom, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, VA. The Formal Hearing is scheduled for 10:00 am, or as soon as possible thereafter on June 22, 1992.

If you agree with the proposed revocation and wish the prescribed hearing be dispensed with, please sign and date the attached Revocation Agreement Form in the spaces provided and return it to this office within 14 days.

If you have any comments or questions relative to the proposed revocation, please feel free to contact (OWRM to provide contact person), of this office.

Sincerely,

Larry G. Lawson
Director
Office of Water Resources
Management

Attachment: NDC Revocation Agreement Form

APPENDIX II -- PUBLIC HEARING

II G. Newspaper Addresses for Public Notice of Formal Hearing
Listed below are the newspapers recommended by OPA for this formal hearing process. If the RO deems some other newspaper more appropriate than the applicable paper listed below, transmit this information with the Formal Hearing Package.

1. **Kilmarnock Branch Office**
Richmond Times Dispatch
P.O. Box c-32333
Richmond, Virginia 23293-0001
2. **Northern Regional Office**
The Fairfax Journal
6883 Commercial Drive
Springfield, Virginia 22159-0100
3. **Piedmont Regional Office**
Richmond Times Dispatch
P.O. Box c-32333
Richmond, Virginia 23293-0001
4. **Southwest Regional Office**
Bristol Herald Courier
320 Morrison Blvd.
Bristol, Virginia 24201
5. **Tidewater Regional Office**
Virginian Pilot
150 West Brambleton Avenue
Norfolk, Virginia 23501
6. **Valley Regional Office**
Harrisonburg Daily News Record
P.O. Box 193
Harrisonburg, Virginia 22801
7. **West Central Regional Office**
Roanoke Times and World News
P.O. Box 2491
Roanoke, Virginia 24010

APPENDIX II -- PUBLIC HEARING

II H. Transmittal Letter to Newspaper

Agency Letterhead
(without Board members)

Newspaper Name
Newspaper Address

Attention: (Name of legal advertising department)

Dear Editor:

Please publish the attached notice in your paper once on (day of the week and date).

Upon completion of the advertising, please fill out the enclosed form and forward it with your bill for your services to the attention of the Accounting Office, Virginia Department of Environmental Quality, P. O. Box 11143, Richmond, Virginia 23230. Payment will be made upon receipt of the certification and your bill.

If you have any questions regarding the above, please contact me at (804) 527-5000.

Sincerely,

(Name)
Office of Water Resources
Management

Enclosures: Public Notice Format
Public Notice Verification Form

APPENDIX II -- PUBLIC HEARING

APPENDIX II -- PUBLIC HEARING

II I. Public Notice of Formal Hearing -- Group Revocation

NOTICE OF FORMAL HEARING

The State Water Control Board will hold a formal evidentiary hearing to consider revocation of the following listed No Discharge Certificates:

(Provide list by Certificate Number)

because the permittee (1) no longer owns the facility, (2) no longer operates the facility or (3) continues to operate the facility but does not require a VPA Permit. This hearing is being held pursuant to Section 9-6.14:12 and 62.1-44.25 of the Code of Virginia, as well as the Board's Procedural Rule No. 1 and VR 680-14-01 (Permit Regulation). The hearing will be held on **(provide date, time and place of hearing)**.

Any person may, at any time before 4:00 p.m. on **(provide date)**, file a petition to become a party to the hearing. Petitions must meet the requirements of § 1.24 (a) of the Board's Procedural Rule No. 1.

Petitions for party status should be directed to the Director, c/o Martin G. Ferguson, Department of Environmental Quality, Office of Water Resources Management, P. O. Box 11143, Richmond, Virginia 23230. The Director may grant petitions for party status that meet the requirements of the Procedural Rule and allege a substantial interest in the issues to be considered at the hearing which, if resolved adversely to the petitioner, would result in an injury to an interest of the petitioner.

More specific information about the certificates and other information are available upon request from **(provide one regional and one headquarters person, address and phone number)**

APPENDIX II -- PUBLIC HEARING

APPENDIX II -- PUBLIC HEARING

II J. Approval Memorandum Recommending Formal Hearing

SUBJECT: Revocation of No Discharge Certificates Without Expiration Dates

TO: Director

FROM: Larry Lawson, P. E., Director, OWRM

DATE:

COPIES: OWRM Permits Program Manager, Regional Offices

Legal Name of Owner: See Attached Listing

Previous Board Action: Each of the No-Discharge Certificate holders in the attached listing has been contacted a minimum of one (1) time, requesting the certificate holders' signatures on Revocation/ Termination Agreement Forms. Site Inspections and follow-up communications were also performed where possible. All efforts on the part of the staff to receive certificate holder concurrence with a hearing waiver have been unsuccessful.

Staff Comments: The facilities associated with the listed NDC's are to be revoked for one of the following reasons:

- A. Facilities have ceased operation
- B. Facilities have changed ownership
- C. Proposed facility was not built
- D. Facilities still in operation, VPA permit not required

The facilities associated with the listed NDC's require a Formal Hearing for one of the following reasons:

- E. Cannot contact original owner
- F. Cannot obtain original owner signature

Additional communication with the NDC holders provided in the attached listing will be performed prior to the public notice of the formal hearing.

APPENDIX II -- PUBLIC HEARING

II J. Approval Memorandum Recommending Formal Hearing (cont.)

Formal Hearing Request for Revocation of No Discharge Certificates

Page 2

STAFF RECOMMENDATIONS:

In accordance with Section 62.1-44.15(5) of the State Water Control Law, The Permit Regulation, and Procedural Rule No. 1, the staff recommends the Executive Director authorize the convening of a formal hearing concerning the revocation of the attached list of No-Discharge Certificates.

APPROVED FOR SUBMISSION TO THE BOARD: _____
Director

DATE: _____

APPENDIX II -- PUBLIC HEARING

J. Approval Memorandum Recommending Formal Hearing (cont.) Listing of NDC's for Revocation by Formal Hearing

The approval memorandum must included a list of the NDC's being considered for revocation. The following is the format of the list to be attached to the memo. The Code column refers to the letters in the memo that designate the: 1) reason for revocation and 2) the reason a formal hearing is required.

NO-DISCHARGE CERTIFICATES

<u>Code</u>	<u>Name</u>	<u>No-Discharge Certificate No.</u>
-------------	-------------	---

(provide name) Regional Office

A-D, E	Certificate Holder Name City, Town or County of facilities location	Certificate Number(s)
A-D, F	Certificate Holder Name City, Town or County of facilities location	Certificate Number(s)

APPENDIX II -- PUBLIC HEARING

II K. Notification of Board Action Letter
Dismissal and Revocation

Agency Letterhead
(without board members)

Certificate Holder Name
Certificate Holder Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Results of Formal Hearing Concerning Revocation of
No Discharge Certificate No. IW-ND-0000

Dear Certificate Holder:

The Virginia Water Control Board members at a formal hearing held at their (**provide month of meeting**) meeting, have approved the dismissal from the formal hearing and have approved the revocation of the No Discharge Certificate referenced above in accordance with the enclosed signed State Water Control Board order, the listing of No Discharge Certificates and the enclosed meeting minute.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually receive this decision or the date it was mailed to you whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

If you have any questions regarding this Board action please contact (**Provide headquarters contact**) of the Office of Water Resources Management.

Sincerely,

Larry G. Lawson, P. E.
Director, Office of Water
Resources Management

APPENDIX II -- PUBLIC HEARING

VI L. Notification of Board Action Letter Revocation

Agency Letterhead (without board members)

Certificate Holder Name
Certificate Holder Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Results of Formal Hearing Concerning Revocation of
No Discharge Certificate No. IW-ND-0000

Dear Certificate Holder:

The Virginia Water Control Board members at a formal hearing held at their (**provide month of meeting**) meeting have approved the revocation of the No Discharge Certificate referenced above in accordance with the enclosed Findings of Fact and Conclusions of Law, the signed State Water Control Board order, the listing of No Discharge Certificates and the enclosed meeting minute.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually receive this decision or the date it was mailed to you whichever **curred** first) within which to appeal this decision by filing a notice of appeal in accordance with Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

If you have any questions regarding this Board action please contact (**provide headquarters contact**) of the Office of Water Resources Management.

Sincerely,

Larry G. Lawson, P. E.
Director, Office of Water
Resources Management

APPENDIX II -- PUBLIC HEARING

II M. Notification of Board Action Letter
Continuance

Agency Letterhead
(without board members)

Certificate Holder Name
Certificate Holder Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Results of Formal Hearing Concerning Revocation of
No Discharge Certificate No. IW-ND-0000

Dear Certificate Holder:

The Virginia Water Control Board members at a formal hearing held at their (provide month) Board Meeting have approved the continuance of consideration for revocation of the No Discharge Certificate referenced above in accordance with the enclosed signed State Water Control Board order, the listing of No Discharge Certificates and the enclosed meeting minute. This action of the Board does not mean that the above referenced No Discharge Certificate has been revoked, only that the Board may take up the subject of revocation at a future Board meeting.

If you have any questions regarding this Board action please contact (Provide Headquarters contact) of the Office of Water Resources Management.

Sincerely,

Larry G. Lawson, P. E.
Director, Office of Water
Resources Management

APPENDIX III -- VPA PERMIT PAGES

III A. VPA Permit Cover Page

Agency Letterhead

Permit No.:
Effective Date:
Expiration Date:

**AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE
VIRGINIA POLLUTION ABATEMENT PERMIT
AND
THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the State Water Control Law and the Permit Regulation adopted pursuant thereto, the following owner is authorized to manage pollutants in conformity with the application, plans, specifications and supporting data submitted to the Department of Environmental Quality and other conditions set forth in this permit.

Owner: **Name of Permit holder**
Owner Address: **Permit holder address**
Facility Name: **Name of Permitted Facility**

The authorized pollutant management shall be in accordance with this cover page, Part I - Monitoring Requirements and Special Conditions, Part II - Monitoring and Reporting Requirements, and Part III - Management Requirements, as set forth herein.

Director, Department of Environmental Quality

Date

APPENDIX III -- VPA PERMIT PAGES

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.2. Municipal Sludge Land Application (cont.)

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

9. All trucks that transport sludge shall be water tight and shall be totally enclosed by metal covers, or outfitted with *front and rear splash plates* if sludge is sufficiently dewatered to prevent spillage. The tailgates shall be properly sealed to prevent spillage.
10. Soil pH results at the time of application shall not be over 1 year old.
11. (**Use when Cadmium concentration is > 2 mg/kg**)
Post application soil pH shall be 6.5 or greater. If the pre-application soil pH is below 6.5, pH adjustment may be required. Lime application shall be calculated taking into account the Calcium Carbonate Equivalency (CCE) of the sludge at the proposed sludge application rate. A soil pH of 6.2 or greater shall be maintained throughout the growing season.*

* Not to be used in Silviculture operations.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.2. Municipal Sludge Land Application (cont.)

Permit No. VPA00000
Part I
Page of

B. Other Requirements or Special Conditions (cont.)

For low coastal plains (as defined by USDA-SCS Soil Survey)*
Use Special Conditions 1 & 2 below for land application of sewage sludge

1. All fields which exhibit a soil pH of 6.5 or greater shall not receive any application of sludge with a calcium carbonate (CaCO_3) equivalency of 20% or greater.
2. All fields which exhibit a soil pH less than 6.5, shall receive an application of sludge in accordance with the calculated rate derived from the following table:

<u>Initial Soil pH</u>	<u>Soil Type</u>	
	<u>Sandy</u>	<u>Loamy</u>
	<u>Lime (CaCO_3), tons/AC</u>	
4.8	3.5	4.5
5.0	3.0	3.75
5.5	1.75	2.5
6.0	1.25	1.5
6.3	0.75	1.00

The calculated rate and the actual application rate shall be reported in the monthly status report to the DEQ, Water Division Regional Office. To justify a higher application rate to sites which have been previously identified as exhibiting high soil pH values, soil tests for pH shall be submitted to the staff of the VDH and the DEQ, Water Division Regional Office for approval prior to sludge application. Sandy soils include those surface soils with a surface texture designated by USDA-SCS as sandy loam or lighter; loamy soils include those having textures heavier than sandy loam.

* Not to be used in Silviculture operations.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.2. Municipal Sludge Land Application (cont.)

Permit No. VPA00000
Part I
Page of

B. Other Requirements or Special Conditions (cont.)

For middle and upper coastal plains (as defined by USDA-SCS Soil Survey)*. Use Special Conditions 1 - 2 below for land application of sewage sludge.

1. All fields which exhibit a soil pH of 6.8 or greater shall not receive any application of sludge with a calcium carbonate equivalency (CaCO_3) of 20% or greater.
2. All fields which exhibit a soil pH less than 6.8, shall receive an application of sludge in accordance with calculated rate derived from the following table:

<u>Initial Soil pH</u>	<u>Soil Type</u>	
	<u>Sandy</u>	<u>Loamy</u>
	<u>Lime (CaCO_3), tons/AC</u>	
4.8	4.25	5.75
5.0	4.0	5.25
5.5	3.0	4.0
6.0	2.0	2.75
6.5	1.25	1.5

The calculated rate and the actual application rate shall be reported in the monthly status report to the DEQ, Water Division Regional Office. To justify a higher application rate to sites which have been previously identified as exhibiting high soil pH values, soil tests for pH shall be submitted to the staff of the VDH and the DEQ, Water Division Regional Office for approval prior to sludge application. Sandy soils include those surface soils with a surface texture designated by USDA-SCS as sandy loam or lighter; loamy soils include those having textures heavier than sandy loam.

* Not to be used in Silviculture operations.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.2. Municipal Sludge Land Application (cont.)

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

12. The application of sludge together with any other source of PAN shall not exceed the agronomic loading rate for the crops grown on each site. The sludge application rates shall be calculated for each field based upon the PAN and productivity class table provided in Attachment B. PAN calculations should be made using the results from at least the last 12 month's sludge samples. The resulting application rates shall be included in the (**reporting period**) 10th-of-the-month reports sent to the Virginia Department of Health and the DEQ, Water Division Regional Office.

13. (**For Infrequent Applications**)

The rate of application of sludge shall never exceed 15.0 dry tons per acre per five years.

(**For Frequent Applications**)

The rate of application of sludge shall never exceed 15.0 dry tons per acre per year.

14. The yield goals posted in Attachment B shall reasonably correspond to site specific yield goals. If the site specific yield goal is lower than the yield listed in Attachment B, the amount of sludge applied shall be reduced proportionately. In order to justify higher sludge application rates due to higher yield goals than those in Attachment B, the Permittee shall first obtain written verification from the county Extension Agent that the higher yield goal is reasonable.

15. If agricultural practice involves double cropping, the sludge application must be split in accordance with the nitrogen (PAN) requirements of each respective crop.

16. Milk cows shall not be allowed on sites within 60 days following sludge application and green chopped forage from the site shall not be fed to milk cows if forage is removed within 60 days following sludge application.

17. Beef cattle shall not be allowed on sites within 30 days following sludge application and green chopped forage from the site shall not be fed to beef cattle if forage is removed within 30 days following sludge application.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.2. Municipal Sludge Land Application (cont.)

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

18. Crops for direct human consumption shall not be grown on any site within 18 months of sludge incorporation.

19. A summary report covering the previous (**reporting period**) activities shall be submitted to the Virginia DEQ, Water Division Regional Office and the Virginia Department of Health by the 10th of the following month. Reports shall include:

- a. Analyses of composite samples of sewage sludge land applied during the previous (**reporting period**) reported on the monitoring report provided in Attachment ____.
- b. Results of (**soils, groundwater, and surface water**) monitoring in accordance with Part I A of the permit (reported on the monitoring report provided in Attachment ____*).
- c. Land Application Site information describing the sludge applied to each field during the previous (**reporting period**) (reported on the monitoring report provided in Attachment ____*). Report loading to each site in terms of total wet tons, dry tons/acre and PAN.
- d. A summary of the quantities of sludge stored in or withdrawn from storage facilities and the remaining storage capacity.

20. (**For Infrequent Application**)

An annual summary report shall be submitted to the Virginia Department of Health and the DEQ, Water Division Regional Office by February 10th of each year. The report shall include:

- a. A summary of sludge disposal contracts currently held as well as any other sludges currently being handled.
- b. A summary of approved sludge storage facilities including the capacity at each facility which is dedicated for a particular sludge. Provide the amount of remaining storage capacity.
- c. A summary of land application sites completed in the last year including the date of last application.
- d. A summary of any partially completed land application sites including the date of last application.
- e. The total acreage of permitted land application sites available for use in the next calendar year.

* Use where DEQ provides the Monitoring Report.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.2. Municipal Sludge Land Application (cont.)

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

20. (cont.) OR

(For Frequent Application)

An annual project summary report shall be prepared and submitted by the 10th of February to the Virginia Department of Health and the DEQ, Water Division Regional Office detailing the following:

- a. A summary of sludge disposal contracts currently held as well as any other sludges currently being handled.
- b. A summary of approved sludge storage facilities including the capacity at each facility which is dedicated for a particular sludge. Provide the yearly sludge balance showing such items as inputs/drawdown from storage facilities, and the remaining storage capacity.
- c. A summary of any land application sites completed or partially completed in the last year, including the date of last application, as well as the sludge applied to each field during the previous year with the annual and cumulative loading limiting constituents (such as Nitrogen, CaCO_3 equivalency, or metals), and the remaining site life for each field.
- d. A summary of the monitoring data results including (sludge analysis), (soil monitoring), (ground water monitoring) (surface water monitoring) and (plant tissue testing).
- e. A summary of the agronomic practices which occurred during the preceding growing season including but not limited to the timing and number of crop cuttings, an estimate of total crop yield (tons/acre) removed from the site, any lime and fertilizer additions made to the site (describe type and quantities), and reseeding.
- f. A general statement of past system performance and the status of the permitted facilities with regard to complying with Virginia Pollution Abatement Permit requirements.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.3. Municipal Land Application of Sewage Effluent

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

1. Effluent shall be applied only at the sites identified in (Part I A. or Attachment A).
2. (For spray irrigation systems)
Effluent shall not be applied at the rates that exceed ____ (0.25 in/hr maximum), (1 in/day maximum) and ____ (2 in/week, maximum).
3. (Use where applicable)
A class ____ operator is required at this permitted facility.
4. Operational limitations during periods of inclement weather.
 - a. Effluent shall not be applied when the ground is saturated or during periods of rainfall.
 - b. Effluent shall not be applied to cultivated or bare ground covered with ice or snow.
 - c. Effluent shall not be applied to frozen ground.
5. A summary report covering the previous (reporting period) activities shall be submitted to the Virginia DEQ, Water Division Regional Office and the Virginia Department of Health by the 10th of the following month. Reports shall include:
 - a. Analyses of composite samples of sewage effluent land applied during the previous (reporting period) reported on the monitoring report provided in Attachment ____.
 - b. Results of (soils, groundwater, and surface water) monitoring in accordance with Part I A of the permit reported on the monitoring report provided in Attachment ____.
 - c. Land Application Site information describing the effluent applied to each field during the previous (reporting period) reported on the monitoring report provided in Attachment ____.
 - d. A summary of the quantities of sludge stored in or withdrawn from storage facilities and the remaining storage capacity.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.3. Municipal Land Application of Sewage Effluent

Permit No. VPA00000
Part I
Page of

B. Other Requirements or Special Conditions (cont.)

7. An annual project summary report shall be prepared and submitted by the 10th of February to the Virginia Department of Health and the DEQ, Water Division Regional Office detailing the following:
 - a. A summary of the monitoring data results including (effluent analysis), (soil monitoring), (ground water monitoring), (surface water monitoring) and (plant tissue testing).
 - b. The yearly water balance showing such items as inputs/drawdown from storage facilities.
 - c. Land application site information describing the effluent applied to each field during the previous year with the annual and cumulative loading limiting constituents (such as Nitrogen and Metals) and the remaining site life for each field.
 - d. A summary of the agronomic practices which occurred during the preceding growing season including but not limited to the timing and number of crop cuttings, and an estimate of total crop yield (bushel/acre or tons/acre) removed from the site, any lime and fertilizer additions made to the site (describe type and quantities), and reseeding.
 - e. A general statement of past system performance and the status of the permitted facilities with regard to complying with Virginia Pollution Abatement Permit requirements.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.4. Industrial Sludge Land Application

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

1. Sludge shall be applied only at the sites identified in (Part I A. or Attachment A).
2. **(For Infrequent Application)**
Application of sludge shall be on an infrequent (once per five year or 1/5 yr) basis. None of the sites listed in Attachment A which previously received a complete application of sludge shall be used again until at least five years after the date of the last application. Updated soil sampling test results, in accordance with Part I A, shall be submitted before sludge is reapplied to any field.
3. **(For liquid spreader systems)**
At no time shall liquid sludge be surface applied at a hydraulic loading rate greater than 14,000 gal/AC (0.5 inches depth) in a single application procedure.
4. Operations limitations during periods of inclement weather.
 - a. Sludge shall not be applied during times when the ground is saturated.
 - b. Surface application of sludge shall not be made to cultivated or bare ground covered with ice. However, sludge may be applied to snow covered ground if snow cover does not exceed an average depth of one inch and the snow and sludge are immediately incorporated.
 - c. Sludge may be applied to frozen ground only under the following conditions:
 - (1) solids content of the sludge is greater than 15%,
 - (2) slopes are not greater than 5%,
 - (3) a minimum of a 200 foot vegetative (or adequate crop residue) buffer is maintained from all surface water courses,
 - (4) only those soils characterized by the USDA as "well drained" are utilized,
 - (5) vegetation or crop residue is present and sufficient to prevent surface runoff.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.4. Industrial Sludge Land Application (cont.)

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

5. If the sludge cadmium concentration is greater than or equal to 2 mg/kg, the soil pH at each land application site shall be adjusted to a minimum pH of 6.5 at the time of application.*
6. Vegetative buffer zones (minimum 60% soil coverage) of ___ feet (minimum) shall be maintained from all property lines and surface water courses for surface application, and ___ feet (minimum) from all property lines and surface water courses for subsurface injection.**
7. Sludge shall not be applied within 50 feet of limestone outcrops nor be applied in such a manner that it would discharge to sinkholes that may exist in the area.
8. The application of sludge together with any other source of PAN shall not exceed the agronomic loading rate for the crops grown on each site. The sludge application rates shall be calculated for each field based upon the PAN and productivity class table provided in Attachment B. PAN calculations should be made using the results from at least the last 12 month's sludge samples. The resulting application rates shall be included in the (reporting period) 10th-of-the-month reports sent to the Virginia DEQ, Water Division Regional Office (and the Virginia Department of Health if applicable).
9. A summary report covering the previous (reporting period) activities shall be submitted to the Virginia DEQ, Water Division Regional Office (and the Virginia Department of Health if applicable) by the 10th of the following month. Reports shall include:
 - a. Analyses of composite samples of industrial sludge land applied during the previous (reporting period) reported on the monitoring report provided in Attachment ___.

* Not to be used in Silviculture operations.

** Buffer zones requirements for industrial land application should be considered on a case-by-case basis. The above special condition lists buffer zones that should be included.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.4. Industrial Sludge Land Application (cont.)

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

9. (cont.)

- b. Results of (soils, groundwater, and surface water) monitoring in accordance with Part I A of the permit reported on the monitoring report provided in Attachment
- c. Land Application Site information describing the sludge applied to each field during the previous (reporting period) reported on the monitoring report provided in Attachment
- d. A summary of the quantities of sludge stored in or withdrawn from storage facilities and the remaining storage capacity.

10. An annual project summary report shall be prepared and submitted to the DEQ, Water Division Regional Office by the 10th of each February detailing:

- a. A summary of the monitoring data results including (sludge analysis), (soil testing), (ground water monitoring), (surface water monitoring), and (plant tissue testing).
- b. The yearly water balance showing inputs to and drawdown from the storage facilities. Provide the available capacity remaining in each storage facility.
- c. Land application site information describing the sludge applied to each field during the previous year with the annual loading and cumulative loading of limiting constituents* and the remaining site life of each field.
- d. A summary of the agronomic practices which occurred during the preceding growing season including but not limited to the timing and number of crop cuttings, and estimate of total crop yield (tons/acre or bushels/acre) removed from the site, any lime and fertilizer additions made to the site (describe type and quantities), and reseeding.
- e. A general statement of past system performance and the status of the permitted facilities with regard to complying with Virginia Pollution Abatement Permit requirements.

* List limiting constituents for the permitted facility

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.5. Industrial Wastewater Land Application

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

1. Wastewater shall be applied only at the sites identified in (Part I A. or Attachment A).
2. (For spray irrigation systems)
Wastewater shall not be applied at the rates that exceed ____ (0.25 in/hr maximum), (1 in/day maximum), and ____ (2 in/week, maximum).
3. Operations limitations during periods of inclement weather:
 - a. Wastewater shall not be applied when the ground is saturated or during periods of rainfall.
 - b. Wastewater shall not be applied to cultivated or bare ground covered with ice or snow.
 - c. Wastewater shall not be applied to frozen ground.
4. A summary report covering the previous (reporting period) activities shall be submitted to the Virginia DEQ, Water Division Regional Office by the 10th of the following month. Reports shall include:
 - a. Analyses of composite samples of Industrial wastewater land applied during the previous (reporting period) reported on the monitoring report provided in Attachment ____.
 - b. Results of (soils, groundwater, and surface water) monitoring in accordance with Part I A. of the permit reported on the monitoring report provided in Attachment ____.
 - c. Land Application Site information describing the wastewater applied to each field during the previous (reporting period) reported on the monitoring report provided in Attachment ____.
 - d. A summary of the quantities of wastewater stored in or withdrawn from storage facilities and the remaining storage capacity.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.5. Industrial Wastewater Land Application (cont.)

Permit No. VPA00000
Part I
Page of

B. Other Requirements or Special Conditions (cont.)

5. An annual summary report shall be submitted to the DEQ, Water Division Regional Office by February 10th of each year. The report shall include:
 - a. A summary of the monitoring data results including (wastewater analysis), (soil monitoring), (ground water monitoring) and (surface water monitoring).
 - b. The yearly wastewater balance showing such items as inputs/drawdown from storage facilities.
 - c. Land application site information describing the wastewater applied to each field during the previous year with the annual and cumulative loading constituents and the remaining site life for each field.
 - d. A summary of the agronomic practices which occurred during the preceding growing season including but not limited to the timing and number of crop cuttings, and an estimate of total crop yield (bushels/acre or tons/acre) removed from the site, any lime and fertilizer additions made to the site (describe type and quantities), and reseedling.
 - e. A general statement of past system performance and the status of the permitted facilities with regard to complying with Virginia Pollution Abatement Permit requirements.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.6. Pump and Haul Operations

Permit No. VPA00000
Part I
Page of

B. Other Requirements or Special Conditions (cont.)

1. A monthly report shall be prepared and submitted to the DEQ, Water Division Regional Office by the 10th of each month detailing the following:
 - a. The name of the contractor responsible for hauling the waste.
 - b. The date and time the contractor hauled the waste.
 - c. The name and location of the waste disposal facility.
 - d. The quantity of waste disposed.

If a pump and haul activity does not occur during a given month, a report indicating such is required.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.9. Land Application of Animal Waste -- Concentrated

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

1. The "Nutrient Management Plan" approved by the Division of Soil and Water Conservation (DSWC) and submitted by the permittee with the application, shall be enforceable through this permit. Partial or conditional approvals by DSWC are not acceptable in meeting this requirement.
2. The application of animal waste together with any other source of PAN shall not exceed the agronomic loading rate for the crops grown on each site. PAN calculations shall be made using the results from the most recent waste monitoring period or the facilities' long term average waste monitoring results.
3. **(Use if deemed necessary by DSWC for NMP approval)**
The comprehensive Soil Conservation Plan, developed by the USDA Soil Conservation Service Field Office and submitted with the Nutrient Management Plan shall be enforceable through this permit. This conservation plan was made necessary by (state reason).
4. All waste lagoons shall maintain a minimum freeboard of two (2) feet at all times. Should the two foot freeboard not be maintained, the permittee shall immediately notify the DEQ, Water Division Regional Office, describing the problem and the corrective measures taken. Within 5 days of the notification, the permittee shall submit a written statement of explanation and corrective measures.
5. Written certification ensuring lagoon liner integrity shall be provided to the DEQ, Water Division Regional Office 14 days prior to placing any lagoon into operation. ("Operation" for the purposes of this special condition shall include filling the lagoon.) The certification must be made by a qualified individual such as a liner manufacturer, a Professional Engineer, or a Soil Consultant. A copy of the certification must be maintained on site.
6. There shall be no transfer of waste and/or wastewater between lagoons, fields or other facilities listed under another permit issued by the State Water Control Board, unless specifically authorized in the permit.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.9. Land Application of Animal Waste -- Concentrated (cont.)

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

7. Animal Waste/Wastewater shall not be applied to soils which are saturated by previous precipitation events, or to ice or snow covered or frozen ground.
8. (For sites not operated by the Permittee)
The Permittee shall take steps to ensure that animal waste is applied in accordance with the procedures specified in this permit. The permittee shall be responsible for maintaining an inventory record of all permitted sites receiving animal waste.
9. (Use as applicable; see Section II B.3.e.)
The permittee shall not apply wastewater to the land until after written approval has been obtained from the Virginia Department of Health (VDH) of a plan for preventing community exposure to roundworms and other pathogens. Partial or conditional approvals are not acceptable in meeting this requirement. A copy of the control plan and the VDH approval letter shall be provided to the DEQ, Water Division Regional Office.
10. (Use as applicable; see Section II B.3.e.)
The Vadose Zone Monitoring System Proposal approved by the DEQ, Water Division Regional Office shall be implemented prior to the first application of waste to the fields. If pollutant movement below the root zone is detected, the permittee shall immediately notify the staff of the (Regional Office) and submit a plan of corrective action within 30 days to prevent contamination of the groundwater. That plan shall be immediately implemented after approval by the staff.
11. (Use as applicable; see Section II A.4.b.)
The total quantity of (provide name of materials) applied per year shall not exceed ____ pounds per acre nor shall the total cumulative quantity of ____ in the waste applied exceed ____ pounds per acre for the life of the fields.

APPENDIX III -- VPA PERMIT PAGES

III C. Part I B. Special Conditions Pages (cont.)

C.9. Land Application of Animal Waste -- Concentrated (cont.)

Permit No. VPA00000

Part I

Page of

B. Other Requirements or Special Conditions (cont.)

12. (Use where applicable)

An animal waste sludge management plan shall be developed prior to sludge removal from the animal waste treatment facilities. Such plan shall include the volume, % solids, and nutrient content of the sludge along with the plan for removal and land application of the sludge. The NMP shall be amended to incorporate the animal waste sludge management plan and shall be approved by DSWC. The DSWC approved NMP shall be submitted to the Regional Office for final approval prior to implementation of the animal waste sludge management plan.

13. An annual project summary report shall be prepared and submitted to the DEQ, Water Division Regional Office by the 10th of each February detailing:

- a. A summary report of the monitoring data results including (waste analysis), (soil analysis), and (groundwater analysis).
- b. Land application site information describing the animal waste (volume and loadings) applied to each field during the previous year. Provide a summary report on the total animal waste (volume and loadings) land applied during the previous year.
- c. The yearly waste balance showing inputs to and drawdown from the storage facilities. Provide the available capacity remaining in the storage facility effective December 31 of the previous year.
- d. A summary of the agronomic practices which occurred during the preceding growing season including (but not limited to) the timing and number of crop cuttings, an estimate of total crop yield (tons or bushels/acre) removed from the site, any lime and fertilizer additions made to the site (type and quantities), and reseedings.
- e. A listing of the average number of animals on-site during the past year.
- f. A general statement of past system performance and the status of the permitted facilities with regard to complying with Virginia Pollution Abatement Permit requirements.

APPENDIX III -- VPA PERMIT PAGES

APPENDIX III -- VPA PERMIT PAGES

III D. Part I C. Site Specific Special Conditions Pages

Permit No. VPA00000
Part I
Page of

C. Site Specific Special Conditions

1. **(Use for Municipal sludges - when applicable)**

No more than two sludges may be applied to any one field. The sludges are to be handled separately and there shall be no mixing of sludges without prior approval of the Department of Health and the DEQ, Water Division Regional Office. If fields are subdivided for application of different sludges, the nitrogen loading of the sludge-applied PAN shall not differ by more than 25%.

2. Sludge shall not be land applied to soils where the water table is less than 18 inches. For all soils with a seasonal high water table of less than 18 inches, site specific soil borings shall be required prior to any land application of sludge during the months in which the water table is commonly high as defined by the SCS Soil Survey. The soil borings shall be performed no more than 7 days prior to land application site activities and shall be conducted over the entire land application site area(s) restricted by the seasonal high water table. If based on the soil borings in those areas, the water table is less than 18 inches, no sludge shall be applied; if 18 inches or greater, sludge application may occur at the permitted application rates. The signed soil boring logs shall be submitted with the monthly reports.

The following land application sites require soil borings during the high water table months prior to land application of sludge:

<u>County</u>	<u>Land Owner</u>	<u>SITE LISTINGS</u> <u>Field No.</u>	<u>Net Acres</u>	<u>High Water</u> <u>Table Period</u>
---------------	-------------------	--	------------------	--

3. **(Use for animal feeding operations utilizing earthen storage facilities.)**

Prior to the construction or relining of a waste lagoon, plans shall be submitted to the DEQ, Water Division Regional Office for approval. Soils used as lagoon liners shall be capable of achieving a maximum coefficient of permeability of 1×10^{-6} cm/sec or less throughout the impoundment sides and bottom after compaction at or up to 4 percent above the optimum moisture content to at least 95 percent Standard Proctor Density. Total soil liner thickness shall be one

APPENDIX III -- VPA PERMIT PAGES

III D. Part I C. Site Specific Special Conditions Pages (cont.)

Permit No. VPA00000

Part I

Page of

C. Site Specific Special Conditions (Examples of additional special conditions which may be used when appropriate)

3. (cont.)

foot after compaction of two separate lifts of equal thickness. The final permeability rate shall be verified by a professional engineer or a soils laboratory. Should a synthetic liner be chosen, the liner thickness shall not be less than 20 mils and written certification of liner integrity shall be provided by the installer.

4. (Use for Industrial and Municipal permits where applicable)

A class ____ operator is required at this permitted facility.

5. A Facilities Closure Plan shall be developed prior to termination of the pollutant management activities covered under this permit. The plan shall incorporate:

- a. The volume, percent solids, nutrient content, and other waste characterization information appropriate to the nature of the waste materials.
- b. A listing of all waste products at the facility along with a description of procedures for removal, land application, or other proper disposal of the wastes.
- c. Closure plans for all waste treatment, storage, and handling facilities.

The Facilities Closure Plan shall be submitted to the DEQ, Water Division Regional Office for review and approval prior to implementation of the plan.

6. (Note: SEC plans are recommended for frequent application sites)

Within 90 days of the (effective/modification) date of this permit, the permittee shall submit an approvable Soil Erosion and Control (SEC) Plan (achieving no more than 5 Tons/Acre soil loss per year) to the local office of the USDA Soil Conservation Service (SCS) for Site _____. The O&M Manual for this permit shall be modified to reflect the SEC plan within 90 days of approval by SCS. The SEC plan and modified O&M manual shall be an enforceable part of this permit. The permittee shall notify the DEQ, Water Division Regional Office within 14 days of compliance with this permit condition.

APPENDIX III -- VPA PERMIT PAGES

III D. Part I C. Site Specific Special Conditions Pages (cont.)

Permit No. VPA00000

Part I

Page of

C. Site Specific Special Conditions (**Examples of additional special conditions which may be used when appropriate**)

7. Sludge may be stored only during periods when field operations are not possible due to inclement weather. The storage facility shall be emptied as soon as possible each Spring but in no case later than (date).
8. (For use when sludge analyses are approved so that a contractor can bid on a sludge but has not received the contract or provided adequate storage or land.)
No sludge from the (insert WWTP names) is to be stored in the lagoon or land applied to sites listed in Attachment A unless and until the following information has been submitted to and approved by the regional offices of the DEQ, Water Division and the Virginia Department of Health:
 - a. Evidence of adequate storage for all contracts obtained.
 - b. Proof of sufficient approved sites to handle annual average production of all sludge contracts obtained.

APPENDIX III -- VPA PERMIT PAGES

APPENDIX III -- VPA PERMIT PAGES

III G. Part II Monitoring and Reporting

Permit No. VA0000000
Part II
Page 1 of 3

MONITORING AND REPORTING

A. Sampling and Analysis Methods

1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.
2. Unless otherwise specified in the permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act as published in the Federal Register (40 CFR Part 136).
3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.
4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The date, exact place and time of sampling or measurements;
2. The person(s) who performed the sampling or measurements;
3. The dates analyses were performed;
4. The person(s) who performed each analysis;
5. The analytical techniques or methods used; and
6. The results of such analyses and measurements.

C. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for three (3) years from the date of the sample, measurement, report or application.

APPENDIX III -- VPA PERMIT PAGES

III G. Monitoring and Reporting (cont.)

Permit No. VA0000000
Part II
Page 2 of 3

This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Director, Department of Environmental Quality.

D. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the monitoring report. Such increased frequency shall also be reported.

E. Water Quality Monitoring

The Director, Department of Environmental Quality may require every permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutant(s) on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Clean Water Act or the State Water Control Board's Permit Regulation.

The permittee shall obtain and report such information if requested by the Director, Department of Environmental Quality. Such information shall be subject to inspection by authorized State and Federal representatives and shall be submitted with such frequency and in such detail as requested by the Director, Department of Environmental Quality.

F. Reporting Requirements

1. The permittee shall submit to the Department of Environmental Quality, Water Division Regional Office, at the following address by the 10th of each month for the preceding month's performance, an original monitoring report. In addition, a monthly report covering the facility's general operational data may be required. If this report is required, the permittee will be so notified. Send report to:

(Name and address of Regional Office.)

2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall

APPENDIX III -- VPA PERMIT PAGES

III G. Monitoring and Reporting (cont.)

Permit No. VA0000000
Part II
Page 3 of 3

submit to the Department of Environmental Quality, Water Division Regional Office with the monitoring report at least the following information:

- a. A description and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times and/or the anticipated time when the noncompliance will cease; and
- c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Whenever such noncompliance may adversely affect State waters or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The Department of Environmental Quality, Water Division Regional Office Director may waive the written report requirement on a case by case basis if the oral report has been received within 24 hours and no adverse impact on State waters has been reported.

3. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter State waters. The permittee shall provide information specified in Part II.F.2.a-c. regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.

Unusual or extraordinary discharge would include but not be limited to (1) unplanned bypasses, (2) upsets, (3) spillage of materials resulting directly or indirectly from processing operations or pollutant management activities, (4) breakdown of processing or accessory equipment, (5) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities or pollutant management activities, or (6) flooding or other acts of nature.

If the Regional Office cannot be reached, the Department of Environmental Quality maintains a 24-hour telephone service in Richmond (804-527-5200) to which the report required above is to be made.

APPENDIX III -- VPA PERMIT PAGES

APPENDIX III -- VPA PERMIT PAGES

III H. Part III Management Requirements

Permit No. VA0000000
Part III
Page 1 of 10

MANAGEMENT REQUIREMENTS

A. Change in Discharge or Management of Pollutants

1. Any permittee proposing a new discharge or the management of additional pollutants shall submit a permit application at least 180 days prior to commencing erection, construction, or expansion or employment of new pollutant management activities or processes at any facility. There shall be no commencement of treatment or management of pollutants activities until issuance of a permit.
2. All discharges or pollutant management activities authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new application 180 days prior to all expansions, production increases, or process modifications, that will result in new or increased pollutants. The discharge or management of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.
3. The permittee shall promptly provide written notice of the following:
 - a. Any new introduction of pollutant(s), into treatment works or pollutant management activities which represents a significant increase in the discharge or management of pollutant(s) which may interfere with, pass through, or otherwise be incompatible with such works or activities, from an establishment, treatment works, or discharge(s), if such establishment, treatment works, or discharge(s) were discharging or has the potential to discharge pollutants to State waters; and,
 - b. Any substantial change, whether permanent or temporary, in the volume or character of pollutants being introduced into such treatment works by an establishment, treatment works, pollutant management activities, or discharge(s) that was introducing pollutants into such treatment works at the time of issuance of the permit.
 - c. Any reason to believe that any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification

APPENDIX III -- VPA PERMIT PAGES

III H. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 2 of 10

levels":

- (1) One hundred micrograms per liter (100 ug/l);
- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (3) Five times the maximum concentration value reported for the pollutant in the permit application; or
- (4) The level established in accordance with regulation under Section 307(a) of the Act and accepted by the Director, Department of Environmental Quality.

d. Any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following "notification levels":

- (1) Five hundred micrograms per liter (500 ug/l);
- (2) One milligram per liter (1 mg/l) for antimony;
- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application;
- (4) The level established by the Director, Department of Environmental Quality.

Such notice shall include information on: (1) the characteristics and quantity of pollutants to be introduced into or from such treatment works or pollutant management activities; (2) any anticipated impact of such change in the quantity and characteristics of the pollutants to be discharged from such treatment works or pollutants managed at a pollutant management activity; and (3) any additional information that may be required by the Director, Department of Environmental Quality.

B. Operator Requirements

1. If specified in Part I of this permit, the permittee shall employ or contract at least one operator who holds a current wastewater license appropriate for the permitted facility or the pollutant management activity.
2. The permittee shall notify the Department of Environmental Quality, Water Division Regional Office in writing whenever he is not complying, or has grounds for

APPENDIX III -- VPA PERMIT PAGES

III H. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 3 of 10

anticipating he will not comply with the requirements in the above paragraph. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

C. Treatment Works Operation and Quality Control

1. Design and operation of facilities and/or treatment works and disposal of all wastes shall be in accordance with the application filed with the Department of Environmental Quality and in conformity with the conceptual design, or the plans, specifications, and/or other supporting data approved by the Director, Department of Environmental Quality. The approval of the treatment works conceptual design or the plans and specifications does not relieve the permittee of the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design and/or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.
2. All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:
 - a. At all times, all facilities and pollutant management activities shall be operated in accordance with the terms and conditions of the Certificate To Operate (CTO) and/or approved Operation and Maintenance (O&M) Manual, if applicable, and in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to State waters.
 - b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit.
 - c. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring and/or limitation requirements are not violated.
 - d. Collected sludges shall be stored in such a manner as to prevent entry of those wastes (or runoff from the wastes) into State waters, and disposed of in accordance with this permit or plans approved by the Director, Department of Environmental Quality.

APPENDIX III -- VPA PERMIT PAGES

III H. Management Requirements (Cont.)

Permit No. VA0000000
Part III
Page 4 of 10

D. Adverse Impact

The permittee shall take all feasible steps to minimize any adverse impact to State waters resulting from noncompliance with any limitation(s) and/or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) and/or conditions.

E. Duty to Halt, Reduce Activity or to Mitigate

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Structural Stability

The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

G. Bypassing

Any bypass ("Bypass - means intentional diversion of waste streams from any portion of a treatment works") of the treatment works herein permitted is prohibited unless:

1. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, the permittee shall notify the Department of Environmental Quality, Water Division Regional Office promptly at least 10 days prior to the bypass. After considering its adverse effects the Department of Environmental Quality, Water Division Regional Office Director may approve an anticipated bypass if:
 - a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can

APPENDIX III -- VPA PERMIT PAGES

III H. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 5 of 10

reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.); and

- b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down-time. However, if a bypass occurs during normal periods of equipment down-time, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.
2. **Unplanned Bypass** - If an unplanned bypass occurs, the permittee shall notify the Department of Environmental Quality, Water Division Regional Office as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in Part III.G.1. above and in light of the information reasonably available to the owner at the time of the bypass.

H. Conditions Necessary to Demonstrate an Upset

A permittee may claim an upset as an affirmative defense to an action brought for noncompliance for only technology-based effluent limitations. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;
2. The facility permitted herein was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;
3. The permittee submitted a notification of noncompliance as required by Part II.F. above; and
4. The permittee took all reasonable steps to minimize or correct any adverse impact to State waters resulting from noncompliance with the permit.

APPENDIX III -- VPA PERMIT PAGES

III H. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 6 of 10

I. Compliance With State and Federal Law

Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under Section 307(a) of the Clean Water Act.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other State law or regulation or under authority preserved by Section 510 of the Clean Water Act.

J. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or Local Laws or regulations.

K. Severability

The provisions of this permit are severable.

L. Duty to Reapply

At least 180 days before the expiration date of this permit, unless permission for a later date has been granted by the Director, Department of Environmental Quality, the permittee shall submit a new application for a permit.

M. Right of Entry

The permittee shall allow authorized State and Federal representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;
2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;

APPENDIX III -- VPA PERMIT PAGES

III H. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 7 of 10

4. To sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and
5. To inspect at reasonable times any collection, treatment, pollutant management activities or discharge facilities required under this permit.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained herein shall make an inspection time unreasonable during an emergency.

N. Transferability of Permits

This permit may be transferred to another person by a permittee if:

1. The current owner notifies the Department of Environmental Quality, Water Division Regional Office 30 days in advance of the proposed transfer of the title to the facility or property;
2. The notice to the Department of Environmental Quality, Water Division Regional Office includes a written agreement between the existing and proposed new owner containing a specific date of transfer of permit responsibility, coverage and liability between them; and
3. The Department of Environmental Quality does not within the 30-day time period notify the existing owner and the proposed owner of the State Water Control Board's intent to modify or revoke and reissue the permit.

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

O. Public Access to Information

All information pertaining to permit processing or in reference to any source of discharge of any pollutant, shall be available to the public, unless the information has been identified by the applicant as a trade secret, of which the effluent data remain open public information. All information claimed confidential must be identified as such at the time of submission to the Department of Environmental Quality and/or EPA. Otherwise, all information will be made available to the public. Notwithstanding the foregoing, any supplemental information that the Department of Environmental Quality may obtain from filings made under the Virginia Toxics Substance

APPENDIX III -- VPA PERMIT PAGES

III H. Management Requirements (Cont.)

Permit No. VA0000000
Part III
Page 8 of 10

Information Act (TSIA) shall be subject to the confidentiality requirements of TSIA.

P. Permit Modification

The permit may be modified when any of the following developments occur:

1. When additions or alterations have been made to the affected facility which require the application of permit conditions that differ from those of the existing permit or are absent from it;
2. When new information becomes available about the operation, pollutant management activity or discharge covered by this permit which was not available at permit issuance and would have justified the application of different permit conditions at the time of permit issuance;
3. When a change is made in the promulgated standards or regulations on which the permit was based;
4. When it becomes necessary to change final dates in compliance schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Clean Water Act;
5. When a variance is requested and after the granting of the variance by EPA;
6. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of Section 307(a) of the Clean Water Act;
7. When changes occur which are subject to "Reopener Clauses" in the permit;
8. When the permittee requests the Director, Department of Environmental Quality to allow "net limitations" to take into account pollutants in the permittee's intake water and the Director, Department of Environmental Quality agrees to allow the use of net limitations;
9. When changes occur in the development and implementation of a pretreatment program;
10. When the level of discharge of or management of a pollutant not limited in the permit exceeds applicable

APPENDIX III -- VPA PERMIT PAGES

III H. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 9 of 10

Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee;

11. When the permittee begins or expects to begin to use or manufacture any toxic pollutant not reported in the application; and
12. When other States were not notified of the change in the permit and their waters may be affected by the discharge.

Q. Permit Termination

After public notice and opportunity for a hearing, the permit may be terminated on any of the following grounds:

1. The permittee has violated any regulation or order of the State Water Control Board, any condition of a permit, any provision of the Law, or any order of a court, where such violation results in a release of harmful substances into the environment or poses a substantial threat of release of harmful substances into the environment or presents a hazard to human health or the violation is representative of a pattern of serious or repeated violations which in the opinion of the State Water Control Board, demonstrates the permittee's disregard for or inability to comply with applicable laws, regulations or requirements;
2. The permittee has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a permit, or in any other report or document required under applicable laws or regulations;
3. The activity for which the permit was issued endangers human health or the environment and can be regulated to acceptable levels by modification or termination of the permit; or
4. There exists a material change in the basis on which the permit was issued that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit necessary to protect human health or the environment.

R. Civil and Criminal Liability

Except as provided in permit conditions on "bypassing" (Part III.G.), and "upset" (Part III.H.) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

APPENDIX III -- VPA PERMIT PAGES

III H. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 10 of 10

S. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or Sections 62.1-44.34:14 through 62.1-44.34:23 of the Law.

T. Unauthorized Discharge of Pollutants

Except in compliance with this permit, it shall be unlawful for any permittee to:

1. Discharge into State waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such State waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

APPENDIX IV -- VPA MODIFICATION

IV A. Sample Format for a Proposed Modification Request

Virginia Department of Environmental Quality, Water Division
Regional Office
Address

RE: Virginia Pollution Abatement (VPA) Permit No. VPA00000 /No
Discharge Certificate (NDC) No. IW-ND-0000 Facility Name,
Location

Dear Permittee:

This letter is to request that (VPA Permit No. VPA00000/NDC No. IW-ND-0000) issued to (Facility Name or Owner's Name) on (date) be modified as described below.

PROPOSED MODIFICATION DESCRIPTION

1. Present pollution management activity or part of the activity permitted by the aforementioned Virginia Pollution Abatement Permit or NDC that is to be modified
2. Proposed modification being sought
3. Reasons and justification for the modification

Signature of Responsible Official

Date

Telephone Number

APPENDIX IV -- VPA MODIFICATION

APPENDIX IV -- VPA MODIFICATION

I C. Modification Request Review Letters

C.1. Modification Request Administrative Review Letter

Regional Letterhead

Date

Name

Address

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

RE: Virginia Pollution Abatement (VPA) Permit Modification Request
Facility Name

Dear Name:

Your modification request, of (date). has been reviewed for completeness and accuracy.

(For modification requests deemed complete)

Your modification request is considered administratively complete. A technical review of your modification request has been initiated. If there are no technical issues identified during the review, we will be able to commence processing your permit no later than (date) .

(For modification requests deemed incomplete)

Your modification request is considered administratively incomplete. The items found during our review of your enclosed modification request package are the following:

- a.
- b.
- c.

You are hereby requested to make the necessary corrections and/or provide the additional information outlined above. We are unable to initiate the technical review of your VPA Permit modification request until a complete and accurate modification request has been received.

(The following paragraph is for reissuances only.)

The Department of Environmental Quality will take prompt action against unpermitted pollutant management activities where the VPA Permit or No Discharge Certificate has expired and the permittee has not filed a timely and complete modification request for reissuance.

If we may be of further assistance, please contact us.

Sincerely,

Regional Office

cc: DEQ - OWRM (for non-delegated permits)
VDH - RO (for land application of municipal sludge and/or effluent waste)

APPENDIX IV -- VPA MODIFICATION

C.2. Modification Request Technical Review Letter

Regional Letterhead

Date

Name

Address

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

**RE: Virginia Pollution Abatement (VPA) Permit Application Facility
Name**

Dear Name:

(For modification requests deemed technically complete)

Your modification request was received on (**date**) . We have reviewed your modification request for completeness and accuracy, and considered it administratively complete on (**date**) . A technical review of your modification request has also been performed. The technical issues identified during this phase of the review have been resolved and we have commenced processing your permit. When the permit has been drafted we will forward to you, for your review, a draft permit package and the proposed public notice.

(For modification requests deemed technically incomplete)

Your modification request, received on (**date**) . has been reviewed for completeness and accuracy, and considered administratively complete on (**date**) . A technical review of your modification request has also been performed. The following technical deficiencies were identified and need to be resolved:

- a.
- b.
- c.

You are hereby requested to make the necessary corrections and/or provide the additional information outlined above. We are unable to continue processing your VPA Permit modification request until these deficiencies have been resolved.

If we may be of further assistance, please contact us.

Sincerely,

Regional Office

**cc: DEQ - OWRM (for non-delegated permits)
VDH - RO (for land application of municipal sludge and/or
effluent waste)**

APPENDIX IV -- VPA MODIFICATION

IV D. Revocation letter for NDC with an Expiration Date

Regional Letterhead

Date

Owner Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: John Contact

RE: No Discharge Certificate (NDC) No. IW-ND-0000
Facility Name, Location

Dear Permittee:

(If owner initiates the modification include the following)

The Department of Environmental Quality has received your request for modification of the referenced NDC dated _____.

On July 1, 1988, Permit Regulation VR 680-14-01 became effective. This Permit Regulation replaced the old No Discharge Certificate Procedural Rule No. 2. One of the revisions in the Permit Regulation changed the name from No Discharge Certificate to Virginia Pollution Abatement (VPA) permit. The Permit Regulation requires all NDCs to be revoked by 1998 and a VPA permit issued, if appropriate. Other changes have been made in the permit format to reflect revisions made in the Permit Regulation.

This letter is to advise you that the Department is considering revoking, rather than modifying, the referenced NDC and issuing a VPA Permit for the remaining term of the NDC.

(this paragraph may be used at the RO's option)

If you desire to obtain a VPA Permit with a 10 year/5 year permit period, you must complete and return the enclosed original application and one (1) copy to the above address.

You must also send a copy to:*

Virginia Department of Health and/or
Virginia Division of Soil and Water Conservation
(Appropriate Address)

If you desire that any of the provisions in the existing (permit/certificate) be modified, please attach the request to the application.

* where application instructions require copy(s) to these addressees

APPENDIX IV -- VPA MODIFICATION

D. Revocation letter for NDC with an Expiration Date (cont.)

NDC No. IW-ND-0000

Owner Name

Date

Page 2

To issue a VPA permit, we must revoke your existing No Discharge Certificate. The processing of and final State Water Control Board action on this revocation will only occur following the issuance of a VPA Permit.

If you agree with the proposed revocation of your No Discharge Certificate and wish to waive your right to a hearing, please sign and date the enclosed NDC Revocation Agreement Form in the spaces provided. Return the form to this office within 14 days. (Return the form to this office with the completed VPA permit application).*

If you have any questions or comments concerning these requirements, please contact this office.

Sincerely,

Regional Office

Enclosures: VPA Permit Application (Forms A and B, C or D as applicable)
NDC Revocation Agreement Form

cc: OWRM (Non-delegated Permits)

* If RO requests owner to submit an application.

APPENDIX IV -- VPA MODIFICATION

IV E. Revocation Letter for NDC without an Expiration Date

Regional Letterhead

Date

**Owner Name
Address**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Attn: John Contact

**RE: No Discharge Certificate (NDC) No. IW-ND-0000
Facility Name, Location**

Dear Permittee:

(If owner initiates the modification include the following)

The Department of Environmental Quality has received your request for modification of the referenced NDC No. IW-ND-0000.

On July 1, 1988, Permit Regulation VR 680-14-01 became effective. This Permit Regulation replaced the old NDC Procedural Rule No. 2. One of the revisions in the Permit Regulation changed the name from No Discharge Certificate (NDC) to Virginia Pollution Abatement (VPA) permit. The Permit Regulation requires all NDCs to be revoked by 1998 and a VPA permit issued, if appropriate. Other changes have been made in the permit format to reflect revisions made in the Permit Regulation.

This letter is to advise you that the Department is considering revoking, rather than modifying, the referenced NDC and issuing a VPA permit.

In order to comply with the above statutory requirements, you must complete and return the enclosed original VPA application and one (1) copy to the above address.

You must also send a copy to:*

**Virginia Department of Health and/or
Virginia Division of Soil and Water Conservation
(Appropriate Address)**

(If owner initiates modification include the following sentence)
Please resubmit your modification request on the VPA application. The modification will not be processed until the application has been received. (Omit the following if a complete application was submitted). The Permit Regulation requires the application be submitted to the Department within 180 days of receipt of this letter.

*** where application instructions require copy(s)**

APPENDIX IV -- VPA MODIFICATION

E. Revocation Letter for NDC without an Expiration Date (cont.)

NDC No. IW-ND-0000

Owner Name

Date

Page 2

To issue a VPA permit, we must revoke your existing No Discharge Certificate. The processing of and final State Water Control Board action on this revocation will only occur following the issuance of a VPA Permit.

If you agree with the proposed revocation of your NDC and wish to waive your right to a hearing, please sign and date the enclosed NDC Revocation Agreement Form in the spaces provided and return it to this office with the VPA permit application.

If you have any questions or comments concerning these proposed requirements, please contact this office within the next 14 days.

Sincerely,

Regional Office

Enclosures: VPA Permit Application (Forms A and B, C or D as applicable)
NDC Revocation Agreement Form

cc: OWRM (Non-delegated Permits)

APPENDIX IV -- VPA MODIFICATION

IV F. NDC Revocation Agreement Form

SUBJECT: Revocation of No Discharge Certificate Certificate
 (NDC) No. IW-ND-0000 and Issuance of Virginia
 Pollutant Abatement (VPA) Permit No. VPA00000

TO: (DEQ, Water Division Regional Office Address)

OWNER: (Owner name as on certificate)
 (Address)

I hereby agree to the revocation of No Discharge Certificate No. IW-ND-0000 and waive my right to a hearing in accordance with Section 62.1-44.15(5) of the State Water Control Law. This revocation is made to accomplish an administrative change from a No Discharge Certificate to the Virginia Pollution Abatement (VPA) permit format. I sign this agreement with the understanding that final revocation of the NDC will not occur until a VPA permit has been issued for this pollutant management activity.

SIGNED: _____

TITLE: _____

DATE: _____

APPENDIX IV -- VPA MODIFICATION

APPENDIX IV -- VPA MODIFICATION

IV G. Modification/PN Letter to Owner

Regional Letterhead

Date

Owner Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: John Contact

RE: VPA Permit No. VPA00000, VPA Permit Modification
Facility Name, Location

Dear Permittee:

This letter is to advise you that the State Water Control Board is considering the referenced permit action. It is suggested that you review the enclosed public notice and draft permit package carefully. This modification consists of (**describe modification**).

In accordance with the State Water Control Law and the Board's Permit Regulation, certain public notice procedures must be complied with before the actual permit can be processed. These required public notice procedures are presented in the following paragraphs.

The owner must bear the cost of advertising the enclosed public notice, which shall be published once a week for two consecutive weeks, exactly 7 days apart, in a newspaper of general local circulation. Please complete and return the enclosed authorization form with your signature which will permit the newspaper to bill the advertisement to you. If you have any questions or comments concerning these proposed requirements, please contact this office within the next 14 days.

If you have not submitted the authorization form within 14 days to allow the newspaper to bill you, (permit processing will cease, your modification request will be recorded as incomplete, and returned to you.)* (public notice will proceed at the Department's expense and the Office of Enforcement and Compliance Auditing shall be notified that you failed to comply with the permit processing requirements.)**

* For owner initiated modifications

** For Department or third party initiated modifications

APPENDIX IV -- VPA MODIFICATION

IV G. Modification/ PN Letter to Owner (cont.)

Permit No. VPA00000

Owner Name

Date

Page 2

Following the first notice appearance in the newspaper, a minimum of 30 days will be allowed for public response. If no public response is received, or if the public response received can be satisfactorily answered, then the permit will be modified. However, if there is significant public response, then it may be necessary to initiate public hearing procedures. If a public hearing is necessary, you will be so advised. After the article has been published, you are responsible for seeing that the newspaper certification of publishing is received by the Department of Environmental Quality, Water Division. If the confirmation of publishing is not received by this office, (permit processing will cease, your (application/ request) will be recorded as incomplete and returned.)* (we will refer the subject matter to the Office of Enforcement and Compliance Auditing for further action.)**

If you have any questions or comments concerning these proposed requirements, please contact this office within the next 14 days.

Sincerely,

Regional Office

Enclosures: Draft Permit
Public Notice Format
Public Notice Authorization Form

cc: OWRM (Non-delegated permits)
OECA (if applicable)

* For owner initiated modifications

** For Department or third party initiated modifications

APPENDIX IV -- VPA MODIFICATION

IV H. Modification/Optional PN Letter to Owner

Regional Letterhead

Date

Owner Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: John Contact

RE: VPA Permit No. VPA00000, VPA Permit Modification
Facility Name, Location

Dear Permittee:

This letter is to advise you that the State Water Control Board is considering the referenced permit action. This modification consists of (**describe modification**).

In accordance with the State Water Control Law and the Board's Permit Regulation, certain public notice procedures must be complied with before the actual permit can be processed. In order for us to continue processing your permit there are three things that you must do and these are presented in the following paragraphs:

1. Review the enclosed public notice and draft permit package carefully. If you have any questions, comments, or objections concerning the draft permit or public notice please contact this office within the next 14 days. If you agree to accept the draft permit and all the conditions contained therein then you should proceed to the next paragraph.
2. Publish a notice in the (**Name of Newspaper**). This notice must be published once a week for two consecutive weeks, exactly 7 days apart. Following the first public notice appearance in the newspaper, a minimum of 30 days will be allowed for the public to comment. If no public response is received, or if the public response received can be satisfactorily answered, then the permit will be issued. However, if there is significant public interest, then it may be necessary to initiate public hearing procedures. If a public hearing is necessary, you will be so advised.

APPENDIX IV -- VPA MODIFICATION

IV H. Modification/Optional PN Letter to Owner (cont.)

Permit No. VPA00000

Owner Name

Date

Page 2

3. Provide us with proof that the notice has been published in the newspaper. Proof of publication shall consist of one of the following:

The enclosed public notice verification sheet completed and signed by the newspaper: or

The actual copies of pages from the two issues of the newspaper showing the notice and the date of the newspaper.

We are required by the State Water Control Law to process this permit within a certain time, therefore, we must limit you to 35 days to complete the above steps. If you have not completed all the above steps by (date), (permit processing will cease, your application/request will be considered incomplete and returned to you.)* (public notice will proceed at the Department's expense and the Office of Enforcement and Compliance Auditing shall be notified that you failed to comply with the permit processing requirements.)**

If you have any questions or comments concerning these proposed requirements, please contact this office within the next fourteen days.

Sincerely,

Regional Office

Enclosures: Draft Permit
Public Notice Format
Public Notice Verification Sheet

cc: OWRM (Non-delegated permits)
OECA (if applicable)

* For owner initiated modifications

** For Department or third party initiated modifications

APPENDIX IV -- VPA MODIFICATION

IV I. NDC Change of Ownership Letter - Original Owner

Regional Letterhead

Date

**Original Owner Name
Address**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Attn: John Contact

**RE: No Discharge Certificate (NDC) No. IW-ND-0000
Facility Name, Location**

Dear Permittee:

This letter is to advise you that in order to recognize the Change of Ownership of the referenced facility, the State Water Control Board intends to revoke this NDC pursuant to the State Water Control Law Section 62.1-44.15(5).

This revocation is to be made in accordance with the conditions of the certificate, paragraph 11, "This certificate cannot be transferred or assigned. Any new owner or successor in interest to the above owner must make application for a new certificate prior to assuming ownership and commencing operations."

On July 1, 1988, Permit Regulation VR 680-14-01 became effective. This Permit Regulation replaced Procedural Rule No. 2 and changed the name of the No Discharge Certificate (NDC) to the Virginia Pollution Abatement (VPA) permit. Therefore, if the new owner wishes to continue managing pollutants, the new owner must apply for a VPA permit within 30 days of assuming ownership of the facility.

If you agree with the proposed revocation of your NDC and wish to waive your right to a hearing, please sign and date the enclosed NDC Revocation Agreement Form in the spaces provided and return it to this office once the transfer of ownership is completed.

If you have any questions or comments concerning these requirements, please contact this office within the next 14 days.

Sincerely,

Regional Office

Enclosure: NDC Revocation Agreement Form

cc: OWRM (Non-delegated permits)

APPENDIX IV -- VPA MODIFICATION

APPENDIX IV -- VPA MODIFICATION

IV J. NDC Revocation Agreement Form - Change of Ownership

SUBJECT: Revocation of No Discharge Certificate (NDC) No. IW-ND-0000
(NDC) No. IW-ND-0000 and Issuance of Virginia Pollutant
Abatement (VPA) Permit No. VPA00000

TO: (DEQ Regional Office Address)

OWNER: (Owner name as on certificate)
(Address)

Reason for Revocation:

As a condition of the change of ownership of the pollutant management activity permitted by No Discharge Certificate No. IW-ND-0000, I hereby agree to the revocation of said certificate and waive my right to a hearing in accordance with Section 62.1-44.15(5) of the State Water Control Law.

This revocation is made to satisfy the conditions of the certificate, paragraph 11, "This certificate cannot be transferred or assigned. Any new owner or successor in interest to the above owner must make application for a new certificate prior to assuming ownership and commencing operations."

SIGNED: _____

TITLE: _____

DATE: _____

APPENDIX IV -- VPA MODIFICATION

APPENDIX IV -- VPA MODIFICATION

IV K. NDC Change of Ownership Letter - New Owner

Regional Letterhead

Date

**New Owner Name
Address**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Attn: John Contact

**RE: No Discharge Certificate (NDC) No. IW-ND-0000
Facility Name, Location**

Dear Permittee:

This letter is to advise you that in order to recognize the Change of Ownership of the referenced facility, the State Water Control Board intends to revoke this NDC pursuant to the State Water Control Law Section 62.1-44.15(5) and conditions of the certificate.

This revocation is to be made in accordance with the conditions of the certificate, paragraph 11, "This certificate cannot be transferred or assigned. Any new owner or successor in interest to the above owner must make application for a new certificate prior to assuming ownership and commencing operations."

On July 1, 1988, Permit Regulation VR 680-14-01 became effective. This Permit Regulation replaced Procedural Rule No. 2 and changed the name of the No Discharge Certificate (NDC) to the Virginia Pollution Abatement (VPA) permit. Therefore, if you wish to continue managing pollutants at the referenced facility you must apply for a VPA permit within 30 days of assuming ownership of the referenced facility.

In order to comply with the above statutory requirements as the new owner, you must complete and return the original and one copy of the enclosed VPA permit application to the above address.

You must also send a copy to:*

**Virginia Department of Health and/or
Virginia Division of Soil and Water Conservation
(Appropriate Address)**

*** where application instructions require copy(s) to these addressees**

APPENDIX IV -- VPA MODIFICATION

IV K. NDC Change of Ownership Letter - New Owner (cont.)

NDC No. IW-ND-0000

New Owner Name

Date

Page 2

The Department of Environmental Quality will take prompt enforcement action against owners of pollutant management activities who have not filed a timely and complete application for issuance of a VPA permit. I solicit your cooperation in this matter.

If you have any questions or comments concerning these requirements, please contact this office.

Sincerely,

Regional Office

Enclosure: VPA Permit Application (Forms A and B, C or D as applicable)

cc: OWRM (Non-delegated permits)

APPENDIX IV -- VPA MODIFICATION

IV M. VPA Change of Ownership Agreement Form to Current Owner

**CURRENT OWNER TRANSFER OF OWNERSHIP
AGREEMENT FORM**

SUBJECT: Modification of Virginia Pollution Abatement (VPA) Permit
 No. VPA00000

TO: Virginia Department of Environmental Quality
 Regional Office
 Address

CURRENT: Current Owner Name
OWNER Current Owner Address

I(We) hereby agree to the transfer of ownership modification to
Virginia Pollution Abatement Permit No. VPA00000 in accordance with
your letter dated (date).

***SIGNED:** _____

DATE: _____

TITLE: _____

* If more than one current owner add additional signature lines for
each owner.

APPENDIX IV -- VPA MODIFICATION

APPENDIX IV -- VPA MODIFICATION

IV O. VPA Change of Ownership Agreement Form to New Owner

**NEW OWNER TRANSFER OF OWNERSHIP
AGREEMENT FORM**

SUBJECT: Modification of Virginia Pollution Abatement (VPA) Permit
No. VPA00000

TO: Virginia Department of Environmental Quality
Regional Office
Address

CURRENT:
OWNER

NEW:
OWNER

I(We) hereby agree to the change of ownership modification to Virginia Pollution Abatement Permit No. VPA00000 in accordance with your letter dated (date), and I(we) agree to accept all conditions and responsibilities of the Virginia Pollution Abatement Permit and application.

***SIGNED:** _____

DATE: _____

TITLE: _____

***If the change of ownership is for more than one new owner add additional signature lines for each new owner.**

APPENDIX IV -- VPA MODIFICATION

APPENDIX IV -- VPA MODIFICATION

IV P. Approval Memorandum - Change of Ownership Format

SUBJECT: Change of Ownership of Virginia Pollution Abatement (VPA)
Permit No. VPA00000
Facility Name, Location

TO: Director

FROM: Permits Program Manager (Non-delegated)
Water Resources Manager (Delegated)

DATE: (date signed)

COPIES: RO, OWRM, VDH (land application sewage sludge/effluent)

Legal Name of Current Owner:

Legal Name of New Owner:

Description of Operation:
(If applicable SIC Code
for industries)

(Brief description of operation)

Example: The industry is involved in the manufacture of paper chairs utilizing as raw materials tooth picks and recycled paper. Wastewaters originate from the pulverizing, de-inking and cleaning operations.

Previous Board Action:

Summarize any previous Board actions directly related to the proposed modifications (if none, state none).

Staff Comments:

The current owner has agreed to the change of ownership by letter dated _____.

The new owner has agreed to accept all conditions and requirements of the Permit and Application by letter dated _____.

Additional comments to include previous permit actions (issuance/reissuance/modification).

APPENDIX IV -- VPA MODIFICATION

IV P. Approval Memorandum - Change of Ownership Format (cont.)

STAFF RECOMMENDATIONS:

The staff recommends that the Director:

1. Approve the change of ownership as contained in the attached modification to Virginia Pollution Abatement Permit No. VPA00000.
2. Issue the modified Virginia Pollution Abatement Permit No. VPA00000.

APPROVED: _____ *

Director

DATE: _____

- * Signed by Director, Office of Water Resources Management (OWRM)
(Non-delegated Permits)
- * Signed by Regional Director (Delegated Permits)

APPENDIX IV -- VPA MODIFICATION

IV Q. Approval Memorandum - Modification Format

SUBJECT: Modification of Virginia Pollution Abatement (VPA) Permit No.
VPA00000
Facility Name, Location

TO: Director

FROM: OWRM Permits Program Manager (Non-Delegated)
Regional Water Resources Manager (Delegated)

DATE: (date signed)

COPIES: RO, OWRM, VDH (land application sewage sludge/effluent)

Legal Name of Owner:

Modification Requested By:

Does not apply if the proposed modification is initiated by the Department staff.

Application Date:

Initial application received on _____. Application complete on _____.

Description of Operation:
(If applicable SIC Code
for Industries)

Brief description of operation.

Example: The industry is involved in the manufacture of paper chairs utilizing as raw materials tooth picks and recycled paper. Wastewaters originate from the pulverizing, de-inking and cleaning operations.

Type of Pollutant
Management Activity:

Brief description of the pollutant management activities.

Modification Description:

Briefly describe modification.

Public Notice:
(Where Applicable)

The modification was made in accordance with the Permit Regulation and the public notice is not required.

OR

The modification has received public notice in accordance with the Permit Regulation and no comments were received.

OR

APPENDIX IV -- VPA MODIFICATION

IV Q. Approval Memorandum - Modification Format (cont.)

Public Notice: (cont.)

The modification has received public notice in accordance with the Permit Regulation and responses to the public notice indicated that the modification (is or is not) controversial. (Provide detailed description if controversial. Owner objections will be considered controversial. Also, provide the public hearing date and reference the background memorandum).

OR

The staff believes the modification is controversial; however, the staff addressed all comments satisfactorily and does not believe a public hearing is necessary. (Provide how the controversy was addressed.)

VDH Comments:

VDH comments on application of sludge and/or sewage effluent only. N/A for others.

Previous Board Action:

Summarize any previous Board actions directly related to the proposed modifications (if none, state none).

Staff Comments:

Briefly explain reason(s) for the proposed modification.

Additional comments to include previous permit actions (issuance/reissuance/modification) and NDC revocation.

The staff has reviewed this proposal and has determined that the facilities as designed, if properly installed and operated, will not adversely affect State waters.

APPENDIX IV -- VPA MODIFICATION

IV Q. Approval Memorandum - Modification Format (cont.)

STAFF RECOMMENDATIONS:

The staff recommends that the Director:

1. Approve the modification of Virginia Pollution Abatement Permit No. VPA00000 as contained in the attached permit .
2. Issue the modified Virginia Pollution Abatement Permit No. VPA00000 ((for a term of _____ years)(use for short term permit only)).

APPROVED: _____ *

Director

DATE: _____

- * Signed by Director, Office of Water Resources Management (OWRM)
(Non-delegated Permits)
- * Signed by Regional Director (Delegated Permits)

APPENDIX IV -- VPA MODIFICATION

APPENDIX IV -- VPA MODIFICATION

IV R. Modification Transmittal Letter to Owner
(Non-delegated format)

Headquarter's Letterhead
(w/out Board Members)

Date

Facility Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: John Contact

RE: Virginia Pollution Abatement (VPA) Permit No. VPA00000
Facility Name, Location

Dear Permittee:

The Director has approved the modification of the referenced permit. This approval is in accordance with the enclosed memorandum.

Your permit is also enclosed. (In accordance with the permit, you are required to submit monitoring reports to:

Virginia DEQ, Water Division
Regional Office
Address

These reports are due to the Regional Office by the 10th of the month following the monitoring activity. Your first report is due by the 10th of _____.*) (The reporting form is included with the permit. You will be responsible for obtaining additional copies.**)

(A Reliability Class **xx** is assigned to this facility and this facility has Class **xx** licensed operator requirements (or no licensed operator requirements).***)

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

*** When monitoring is required.**

**** If reporting form is supplied by the Regional Office.**

***** When a Reliability Class is assigned.**

APPENDIX IV -- VPA MODIFICATION

IV R. Modification Transmittal Letter to Owner (cont.)
(Non-delegated format)

Permit No. VPA00000

Facility Name

Date

Page 2

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in § 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have any additional questions, please do not hesitate to contact us.

Sincerely,

Martin G. Ferguson, Jr.
Permits Program Manager
Office of Water Resources Management

Enclosures: Memorandum
Modified VPA Permit No. VPA00000

cc: DEQ - Regional Office
VDH - (2) (Sewage sludge/effluent only)

APPENDIX IV -- VPA MODIFICATION

IV S. Modification Transmittal Letter to Owner
(Delegated format)

Regional Letterhead

Date

Facility Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: John Contact

RE: Virginia Pollution Abatement (VPA) Permit No. VPA00000
Facility Name, Location

Dear Permittee:

The Director has approved the modification of the referenced permit. This approval is in accordance with the enclosed memorandum.

Your permit is also enclosed. (In accordance with the permit, you are required to submit monitoring reports to the Regional Office at the above address. These reports are due to the Regional Office by the 10th of the month following the monitoring activity. Your first report is due by the 10th _____.*) (The reporting form is included with the permit. You will be responsible for obtaining additional copies.**)

(A Reliability Class **xx** is assigned to this facility and this facility has Class **xx** licensed operator requirements (or no licensed operator requirements.***))

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

* When monitoring is required.

** If reporting form is supplied by the Regional Office.

*** When a Reliability Class is assigned.

APPENDIX IV -- VPA MODIFICATION

IV R. Modification Transmittal Letter to Owner (cont.)
(Delegated format)

Permit No. VPA00000

Facility Name

Date

Page 2

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in § 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have any additional questions, please do not hesitate to contact us.

Sincerely,

Regional WRM
Water Resources Manager

Enclosures: Memorandum
Modified VPA Permit No. VPA00000

cc: DEQ - OWRM
VDH - (2) (Sewage sludge/effluent only)

APPENDIX IV -- VPA MODIFICATION

IV T. Modification Permit Cover Page

Agency Letterhead

Permit No.:
Effective Date:
Modification Date:
Expiration Date:

**AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE
VIRGINIA POLLUTION ABATEMENT PERMIT
AND
THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the State Water Control Law and the Permit Regulation adopted pursuant thereto, the following owner is authorized to manage pollutants in conformity with the application, plans, specifications and supporting data submitted to the Department of Environmental Quality and other conditions set forth in this permit.

Owner: **Name of Permit holder**
Owner Address: **Permit Holder Address**
Facility Name: **Name of Permitted Facility**

The authorized pollutant management shall be in accordance with this cover page, Part I - Monitoring Requirements and Special Conditions, Part II - Monitoring and Reporting Requirements, and Part III - Management Requirements, as set forth herein.

Director, Department of Environmental Quality

Date

APPENDIX IV -- VPA MODIFICATION

APPENDIX IV -- VPA MODIFICATION

IV X. VPA Permit Exemption Form

Subject: Exemption From VPA Permit Requirements

To: (Regional Office Address)

Owner: (Owner's Name & Address)

An administrative change in the Permit Regulation VR 680-14-01 eliminates the No Discharge Certificate (NDC) and in accordance with Section 62.1-44.15(5) of the State Water Control Law, I hereby agree to the revocation of No Discharge Certificate No. IW-ND-0000 and waive my right to a hearing.

Further to this agreement:*

1. I certify that the Department of Environmental Quality, Water Division has informed me and to the best of my knowledge I am not required by the Permit Regulation VR 680-14-01 to have a Virginia Pollution Abatement (VPA) Permit at this time.
2. I certify that my farm has (number of) (type of animal units). I further understand that if the number of animals maintained on my facility increases to (number of animal units requiring a permit), I must apply for a VPA Permit.
3. I certify that I: (1) will maintain a waste storage facility to ensure that there are no point source discharges of pollutants to State waters except in the case of a 25 year-24 hour or greater storm event and, (2) will maintain land application sites to minimize the impact on water quality.
4. I understand that if my operation degrades water quality in the future, the Virginia Water Control Board may terminate this exemption and issue a VPA permit with specific conditions to eliminate the problems.

SIGNED: _____

TITLE: _____

DATE: _____

* For Facilities with No Discharge Certificates Only

APPENDIX IV -- VPA MODIFICATION

APPENDIX IV -- VPA MODIFICATION

IV Y. Revocation and Reissuance VPA Permit Transmittal Letter to Owner

1. Non-delegated Revocation & Reissuance Permit Transmittal Letter

Headquarter's Letterhead
(w/out Board members)

Date signed

Owner's Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Virginia Pollution Abatement Permit No. VPA00000,
Facility Name, Location

Dear Permittee:

The Director has approved the reissuance of the referenced permit. This approval is in accordance with (the letter from the Virginia Department of Health dated _____ and*) the enclosed memorandum. The enclosed permit, as referenced above, supersedes any VPA permits previously issued for this facility.

(In accordance with the permit, you are required to submit monitoring reports to:

Virginia DEQ, Water Division
Regional Office
Address

These reports are due to the Regional Office by the 10th of the month following the monitoring activity. Your first report is due by the 10th of _____.**) (The reporting form is included with the permit. You will be responsible for obtaining additional copies.***) Please refer to the permit Special Conditions (Parts I.B. and I.C.) for any special reporting requirements associated with this permit.

(A Reliability Class **xx** is assigned to this facility and this facility has Class **xx** licensed operator requirements (or no licensed operator requirements).*)

- * Land application of sewage sludge or sewage effluents
- ** When monitoring is required
- *** Use these sentences if a DEQ supplied form is to be used.

APPENDIX IV -- VPA MODIFICATION

Y.1. Non-delegated Revocation & Reissuance Permit Trans. Letter (cont.)

Permit No. VPA000000

Facility Name

Date

Page 2

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in § 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Permits Program Manager,
Office of Water Resources Management

Enclosures: Memorandum
Permit No. VPA000000

cc: Regional Office
Department of Health - Region*
Department of Health - Richmond*

* Land application of sewage sludge or sewage effluents

APPENDIX IV -- VPA MODIFICATION

Y.2. Delegated Revocation & Reissuance Permit Transmittal Letter

Regional Letterhead

Date signed

Owner's Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: John Contact

RE: Virginia Pollution Abatement Permit No. VPA00000,
Facility Name, Location

Dear Permittee:

The Director has approved the reissuance of the referenced permit. This approval is in accordance with (the letter from the Virginia Department of Health dated _____ and*) the enclosed memorandum. The enclosed permit, as referenced above, supersedes any VPA permits previously issued for this facility.

(In accordance with the permit, you are required to submit monitoring reports to the Regional Office at the above address. These reports are due to the Regional Office by the 10th of the month following the monitoring activity. Your first report is due by the 10th of _____.**) (The reporting form is included with the permit. You will be responsible for obtaining additional copies.**) Please refer to the permit Special Conditions (Parts I.B. and I.C.) for any special reporting requirements associated with this permit.

(A Reliability Class **xx** is assigned to this facility and this facility has Class **xx** licensed operator requirements (or no licensed operator requirements).*)

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

- * Land application of sewage sludge or sewage effluents
- ** When monitoring is required
- *** Use these sentences if a DEQ supplied form is to be used.

APPENDIX IV -- VPA MODIFICATION

Y.2. Delegated Revocation & Reissuance Permit Trans. Letter (cont.)

Permit No. VPA00000

Facility Name

Date

Page 2

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in § 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Regional Water Resource Manager

Enclosures: Memorandum

Permit No. VPA00000

cc: DEQ - OWRM

Department of Health - Region*

Department of Health - Richmond*

* Land application of sewage sludge or sewage effluents

APPENDIX V -- VPA TERMINATION AND DENIAL DOCUMENTS

V C. Approval Memorandum Recommending a Public Hearing
(Termination of an Existing VPA Permit)

SUBJECT: Termination of VPA Permit No. VPA00000
Facility Name, Location

TO: Director

FROM: Regional Director

DATE: (Date signed)

COPIES: VDH (Sewage Sludge/Effluent)
OWRM
OPA

Legal Name of Owner:

Type of Pollutant
Management Activity:

Existing (Industrial/ Municipal/Animal Waste) Facility. Facility involves (frequent/ infrequent) land application of (sewage/industrial) sludge on sites (owned/leased) by the sludge generator.

Background:

Include any background information concerning the termination of the VPA Permit.

Public Notice:

Summary of comments received and persons/groups who submitted their comments concerning the VPA Permit termination. Attach copies of the comments. If a large number send a representative sample. If none, state none.

Previous Board Action:

Summarize any previous Board/Director actions directly related to the proposed termination. If none, state none.

APPENDIX V -- VPA TERMINATION AND DENIAL DOCUMENTS

II C. Approval Memorandum Termination Format (cont.)

Staff Comments:

Briefly explain the reason(s) for the proposed termination. Briefly summarize reason(s) for permittee's objections or inability to sign the Termination Agreement Form.

Additional comments to include previous permit action issuance/reissuance/modification.

STAFF RECOMMENDATIONS:

The staff recommends that a public hearing be convened before the Board to receive oral and written testimony concerning the termination of VPA Permit No. VPA00000.

APPROVED FOR SUBMISSION TO THE BOARD: _____

Director

DATE: _____

APPENDIX V -- VPA TERMINATION AND DENIAL DOCUMENTS

V D. Notice of Intent to Deny

Regional Letterhead

Date

Owner's Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Application for VPA permit dated (date),
(Facility name, Location)

Dear Applicant:

The Department of Environmental Quality, Water Division intends to recommend denial of your request for a VPA permit based on the information contained in the application referenced above.

You may modify the application to comply with the conditions as stated below or you may withdraw the application. The recommendation for denial will be reconsidered if you make these modifications. If you take no action, the staff will forward the application to the State Water Control Board with the recommendation for denial.

If you intend to modify the application, please notify this office in writing within 14 days. Processing will cease until we receive the requested modifications.

If you agree to withdraw the application, please sign and date the enclosed Application Withdrawal Form and return it to this office within 14 days.

Please contact this office if you have any comments or questions related to the proposed denial.

Requirements needed to obtain approval:

Sincerely,

Regional Office

Enclosure: Application Withdrawal Form

cc: OWRM

APPENDIX V -- VPA TERMINATION AND DENIAL DOCUMENTS

APPENDIX V -- VPA TERMINATION AND DENIAL DOCUMENTS

V E. Application Withdrawal Form

SUBJECT: WITHDRAWAL OF VPA PERMIT APPLICATION DATED _____

TO: (DEQ, Water Division Regional Office Address)

OWNER: (Full name as on application)
(address)

Application Withdrawal

I hereby agree to withdraw my VPA permit application
dated _____ .

SIGNED: _____

TITLE: _____

DATE: _____

APPENDIX V -- VPA TERMINATION AND DENIAL DOCUMENTS

APPENDIX V -- VPA TERMINATION AND DENIAL DOCUMENTS

V F. Approval Memorandum to Deny a VPA Permit or Application

SUBJECT: Denial of Virginia Pollution Abatement (VPA) (Permit No. VPA00000/Application dated (date)), Facility Name, Location

TO: Director

FROM: Permits Program Manager, OWRM (Non-Delegated)
Regional WRM (Delegated)

DATE: (Date signed)

COPIES: VDH (land application of sewage sludge and/or sewage effluent), RO, OWRM

Legal Name of Owner:

Type of Pollutant
Management Activity:

Existing (Industrial/ Municipal/Animal Waste) Facility. Facility involves (frequent/ infrequent) land application of (sewage/industrial) sludge on sites (owned/leased) by the sludge generator.

Background:

Include any background information concerning the denial of a VPA Permit.

Public Notice:

The denial has received public notice in accordance with the Permit Regulation and responses to the public notice indicated that the denial (is or is not) controversial. (Owner's objections shall be considered as controversial.)

(Provide detailed description if controversial. Also, provide the public hearing date and reference the background memorandum).

OR

The denial has received public notice in accordance with the Permit Regulation and no comments were received.

APPENDIX V -- VPA TERMINATION AND DENIAL DOCUMENTS

F. Approval Memorandum to Deny a Permit or Application (cont.)

OR

The staff believes the denial is controversial; however, the staff addressed all comments satisfactorily and does not believe a public hearing is necessary. (Provide how the controversy was addressed.)

Previous Board Action:

Summarize any previous Board/Director actions directly related to the proposed denial. (If none, state none.)

Staff Comments:

Briefly explain the reason(s) for the proposed denial.

Briefly summarize reason(s) for owner's objections to the denial.

Additional comments to include previous Virginia Pollution Abatement Permit action (issuance/reissuance/modification).

STAFF RECOMMENDATIONS:

The staff recommends that the Board deny Virginia Pollution Abatement Permit (No. VPA00000/Application dated (date)).

APPROVED FOR SUBMISSION TO THE BOARD FOR DENIAL: _____
Director

DATE: _____

APPENDIX V -- VPA TERMINATION AND DENIAL DOCUMENTS

V G. Approval Memorandum - Owner Disagrees with Revocation/Termination

SUBJECT: (Revocation/Termination) of No Discharge Certificate
(NDC) No. _____ / Virginia Pollution Abatement (VPA) Permit
No. VPA00000, Facility Name, Location

TO: Director

FROM: Regional Director -(Delegated)
OWRM Director - (Non-delegated)

DATE: (Date signed)

COPIES: VDH (land application of sewage sludge and/or sewage
effluent), RO, OWRM

Legal Name of Owner:

Type of Pollutant
Management Activity:

Existing (Industrial/ Municipal/Animal
Waste) Facility. Facility involves
(frequent/ infrequent) land
application of (sewage/industrial)
sludge on sites (owned/leased) by the
sludge generator.

Previous Board Action:

Summarize any previous Board/Director
actions directly related to the
proposed revocation/termination. (If
none, state none.)

Staff Comments:

Briefly explain the reason(s) for the
proposed revocation/termination.

Briefly summarize reason(s) for
owner's objections to
revocation/termination.

Additional comments to include
previous No Discharge Certificate
(NDC)/Virginia Pollution Abatement
Permit action (issuance/reissuance/
modification).

STAFF RECOMMENDATIONS:

The staff recommends that a public hearing be convened before the
Board to receive oral and written testimony concerning the
revocation/termination of No Discharge Certificate No. _____ / Virginia
Pollution Abatement Permit No. VPA00000.

APPROVED FOR SUBMISSION TO THE BOARD: _____
Director

DATE: _____

APPENDIX V -- VPA TERMINATION AND DENIAL DOCUMENTS.

APPENDIX V -- VPA TERMINATION AND DENIAL DOCUMENTS

V H. Approval Memorandum - Owner Deceased or Left the Area

SUBJECT: Revocation/Termination of No Discharge Certificate (NDC)
No._____/ Virginia Pollution Abatement (VPA) Permit No.
VPA00000, Facility Name, Location

TO: Director

FROM: Regional Director - (Delegated)
OWRM Director - (Non-delegated)

DATE: (Date signed)

COPIES: VDH (land application of sewage sludge and/or sewage
effluent), RO, OWRM

Legal Name of Owner:

Type of Pollutant
Management Activity: Existing (Industrial/ Municipal/Animal
Waste) Facility. Facility involves
(frequent/ infrequent) land
application of (sewage/industrial)
sludge on sites (owned/leased) by the
sludge generator.

Previous Board Action: Summarize any previous Board/Director
actions directly related to the
proposed revocation/termination. (If
none, state none.)

Staff Comments: Briefly explain the reason(s) for the
proposed revocation/termination.

Briefly summarize reason(s) the owner
is unable to sign the
revocation/termination agreement form.

Additional comments to include
previous No Discharge Certificate
(NDC)/Virginia Pollution Abatement
Permit action (issuance/reissuance/
modification).

STAFF RECOMMENDATIONS:

The staff recommends that a public hearing be convened before the
Board to receive oral and written testimony concerning the
revocation/termination of No Discharge Certificate No._____/ Virginia
Pollution Abatement Permit No. VPA00000.

APPROVED FOR SUBMISSION TO THE BOARD: _____
Director

DATE: _____

The following pages from the VPDES manual have been revised to reflect the agency name change from the State Water Control Board to the Department of Environmental Quality, Water Division. Please replace the existing pages in the manual with these new pages.

Section Pages

Appendix Pages

I-i, I-1 thru I-5

II-A5, II-A6

II-3 thru II-8

III-A3, III-A4, III-A13 thru III-A16, III-A25 thru III-A28, III-A31, III-A32, III-35 thru III-A38, III-A41, III-A42, III-47, III-A48, III-A69 thru III-A92, III-A109, III-A110, III-A117 thru III-A124, III-A127 thru III-134

III-1, III-2, III-9 thru III-16, III-19 thru III-28

IV-1 thru IV-4, IV-7 thru IV-23

IV-Ai, IV-A1 thru IV-A36

V-3 thru V-6

V-Ai, V-A1 thru V-A16

VI-i, VI-ii, VI-1 thru VI-3

MN-9 thru MN-12, MN-15 thru MN-28, MN-35, MN-36, MN-39 thru MN-42, MN-47 thru MN-54, MN-57 thru MN-60, MN-63 thru MN-70, MN-75 thru MN-80, MN-83 thru MN-86, MN-89 thru MN-94, MN-97 thru MN-100, MN-105, MN-106, MN-113, MN-114, MN-119, MN-120, MN-121, MN-122, MN-127, MN-128, MN-135, MN-136

IN-21, IN-22, IN-29 thru IN-42, IN-47, IN-48, IN-51, IN-52, IN-55 thru IN-58, IN-71, IN-72, IN-89 thru IN-98, IN-101, IN-102, IN-109 thru IN-112, IN-119, IN-120, IN-125

The above pages reflect the standardized format to be used due to the agency name change from SWCB to DEQ. There are several additional changes included to improve the readability of the manual but this is **NOT** a major update. As such, the page numbers will stay the same with the revision.

SECTION I INTRODUCTION

Table of Contents

A. VPDES Permit Program	I-1
B. Purpose and Use of the Permit Manual	I-2
C. Basis for Manual	I-3
D. KEY	I-4

SECTION I INTRODUCTION

I A. VPDES Permit Program

The Clean Water Act (CWA) requires all point source dischargers of pollutants to waters of the United States to obtain a National Pollutant Discharge Elimination System (NPDES) permit from either the U. S. Environmental Protection Agency (EPA) or a State authorized to issue the NPDES permit. To obtain this authorization, the State must have a Law and NPDES regulations comparable to the CWA and the EPA NPDES regulation. In addition, the State and EPA must agree to a Memorandum of Agreement (MOA) which establishes various operating procedures, such as the transfer of information between the two agencies and EPA's involvement in the daily activities of the State's administration of the permit program.

The Virginia State Water Control Board (SWCB) was authorized in 1975 by EPA to administer the NPDES Permit Program. The memorandum "Regarding Permit and Enforcement Programs between the SWCB and EPA" was signed in March 1975. EPA recognized that the State Water Control Law (SWCL) and the SWCB Regulation No. 6 provided adequate authority to carry out the federal program. This MOA was amended in 1982 to authorize the SWCB to administer the NPDES Permit Program for Federal facilities. With the adoption of the Permit Regulation, the permit program name changed from NPDES to VPDES to indicate Virginia as the permitting agency. The Permit Regulation became effective on July 1, 1988. Thus, any point source discharger of pollutants in Virginia that obtains a VPDES permit from the SWCB and that subsequently complies with the issued VPDES permit is in compliance with both Federal and State Laws and regulations regarding such permit requirements.

On April 1, 1993 the State Water Control Board staff functions were merged by legislative action into the Department of Environmental Quality (DEQ) which was created on that date. In addition, the staff functions of the Department of Air Pollution Control and the Department of Waste Management were also merged into DEQ. The 7 member State Water Control Board remains in existence as the citizen advisory body and permitting authority for water programs within the Department.

This permit manual describes the procedures for processing VPDES permits to ensure the SWCL, the Permit Regulation and the MOA are met. It presents the procedures for obtaining a complete application, preparing a draft VPDES permit, subjecting the draft permit to the public participation process, and issuing/reissuing/modifying/revoke and reissuing/terminating and denying permits.

SECTION I INTRODUCTION

I B. Purpose and Use of the Permit Manual

The purposes of this Permit Manual are to:

1. Provide VPDES permit writers, reviewers and managers the procedures that shall be followed to ensure:
 - a. the VPDES permits are issued/reissued/denied/modified/terminated/revoked and reissued according to Federal and State Laws and Regulations.
 - b. the VPDES program is administered pursuant to our commitment to EPA.
2. Establish procedures that ensure Regional Office consistency/comparability when processing VPDES permits.
3. Provide a document that is a training tool for new staff in the correct procedures for administering the VPDES permit program.

The permit manual consists of two major parts. Sections I through VI are the Narrative part of the VPDES permit manual; the second part is the Appendix.

The Narrative part establishes procedures for issuance, reissuance, denial, modification, revocation and reissuance, and termination. In some cases, modifications to these procedures may be necessary. However, before initiating any procedure different from those included in the Narrative, the Water Resources Manager shall obtain approval from the Office of Water Resource Management (OWRM) Permits Program Manager or the OWRM Director. If the Water Resource Manager is not available, the Regulatory Services Supervisor can make the request.

The Appendix part of the manual contains definition of terms, lists, addresses, example forms, letters and memorandums, industrial and municipal language, (including testing, sampling frequencies, effluent limitations and special conditions). Minor modifications may be made by the Regional Offices in the forms, letters and memorandums included in the Appendices. However, these minor modifications should be limited to correction of typographical errors, format, and inclusion of additional information. The basic information included in the forms, letters and memorandums shall be considered as minimum requirements and shall not be modified. Recommended changes to the Permit Tracking System (PTS) forms and letters may be submitted in accordance with the PTS instructions. Refer to the PTS manual for specific requirements of that system.

The permit manual is designed to reflect DEQ policy and regulation, but it is not an official policy or regulatory document.

SECTION I INTRODUCTION

I C. Basis for Manual

The following documents provide the basis for this manual.

1. Clean Water Act (CWA)
2. State Water Control Law (SWCL)
3. Permit Regulation
4. Procedural Rule No. 1 - Public Hearings
5. SWCB/EPA Memorandum of Agreement
6. Promulgated EPA Effluent Guidelines
7. Water Quality Standards
8. Board Approved Policies and Procedures

Direct coordination with EPA over any procedural and administrative aspects of permits is restricted to Headquarters. In no event shall the Regional Offices have direct communication with EPA except for administrative transmittals.

SECTION I INTRODUCTION

I D. KEY

BAT	Best Available Technology Economically Achievable
BCT	Best Conventional Pollutant Control Technology
BMP	Best Management Practices
BNA	Bureau of National Affairs
BPJ	Best Professional Judgement
BPT	Best Practicable Control Technology Currently Available
CFR	Code of Federal Regulations
COE	Corps of Engineers
CTC	Certificate to Construct
CTO	Certificate to Operate
CWA	Clean Water Act
DEQ	Department of Environmental Quality
DGIF	Department of Game of Inland Fisheries
DIS	Division of Information Services
DSS	Division of Shellfish Sanitation
DMR	Discharge Monitoring Report
EPA	U S Environmental Protection Agency
FDF	Fundamentally Different Factor
F&WS	Fish and Wildlife Service
FIF	Facility Information Form
FS	Fact Sheet
IWC	Instream Waste Concentration
LGOF	Local Government Ordinance Form
LUST	Leaking Underground Storage Tanks
MGD	Million Gallons per Day
MOA	Memorandum of Agreement
NMFS	National Marine Fisheries Service
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
NSPS	New Source Performance Standards
OECA	Office of Enforcement and Compliance Auditing
OERS	Office of Environmental Research and Standards
OPA	Office of Policy Analysis
OSS	Office of Support Services
OWRM	Office of Water Resources Management
PN	Public Notice
POTW	Publicly Owned Treatment Works
PROFS	Professional Office System
PTS	Permit Tracking System
PVOTW	Privately Owned Treatment Works
PWS	Public Water Supply
RD	Regional Director
RO	Regional Office

SECTION I INTRODUCTION

I D. KEY (cont.)

SASS Stream Analysis for Small Systems
SCC State Corporation Commission
SFH Single Family Home
SIC Standard Industrial Classification
SOB Statement of Basis
STP Sewage Treatment Plant
SWCB State Water Control Board
SWCL State Water Control Law
TMP Toxics Management Program
TRC Total Residual Chlorine
TRE Toxicity Reduction Evaluation
TSS Total Suspended Solids
VDH Virginia Department of Health
VIMS Virginia Institute of Marine Science
VMRC Virginia Marine Resources Commission
VPA Virginia Pollution Abatement
VPDES Virginia Pollutant Discharge Elimination System
WQS Water Quality Standards

SECTION II APPLICATION PROCEDURES

II B. Administrative Review of Application

1. **Application Receipt**

Upon receipt of the application by the RO, it shall be dated as to when it was received.

2. **Initiate Tracking Sheet**

At this stage of processing, a Tracking Sheet shall be used by the RO. The RO may choose to use any form of a tracking sheet but it shall, contain as a minimum, the categories found on the Tracking Sheet in Appendix II.

- a. Dates and initials shall accompany each category once completed.
- b. The tracking sheet shall be placed in a file and made available during the RO audits.

3. **Virginia Department of Health (VDH)**

For municipal permits the RO shall contact VDH Regional Office to ensure they received the application. If the VDH has not received a copy, the RO shall provide them a copy. The VDH shall have 14 days to comment on the application.

- a. For all municipal permits and for industrial outfalls with equalto or greater than 10% sewage waste (based upon the long term average flow), the RO shall incorporate VDH comments affecting health or water quality in determining the completeness of the application for issuance or reissuance.
- b. Advise the applicant to satisfy VDH objections to the application. Until those objections are satisfied the application will not be considered complete.

4. **VDH-Division of Shellfish Sanitation (DSS)**

For discharges to waters below the fall zone, send the issuance or reissuance application to the VDH-Division of Shellfish Sanitation (DSS) (except the Chowan Basin) and VDH-Headquarters. For a sample Transmittal Letter to VDH see Appendix III and for DSS and VDH-HQ addresses see Appendix II, VDH Addresses and Telephone Numbers .

If DSS indicates that the proposed discharge will result in condemnation of shellfish beds, a public hearing on the issuance of the permit is required by Water Quality Standards (VR 680-21-06.3). The exception is when VMRC or VIMS certify that the project would have no effect on shellfish use, now or in the foreseeable future. In this case the Department of Environmental Quality may dispense with the hearing

SECTION II APPLICATION PROCEDURES

5. Virginia Marine Resources Commission (VMRC)

For discharges, municipal and industrial with $\geq 10\%$ sewage (based upon the long term average flow), into shellfish waters, VMRC comments are necessary when determining the completeness of the application for any issuance or modification for a plant expansion. See Appendix III for VMRC address and Appendix III for a sample Transmittal Letter to VMRC.

If DSS intends to condemn shellfish beds and VMRC says that he condemned area contains an actual or potential shellfish resource, then according to the Water Quality Standards (VR 680-21-06.3) the permit application must be denied. This same regulation requires a public hearing in these situations.

6. Complete Application

For all permits, a correctly filled out application shall be required before the application can be noted as complete.

- a. The RO shall determine whether or not an application is administratively complete within 14 days of receipt of the application.
- b. If the application form has not been filled out correctly it will be returned to the permittee with a letter noting the deficiencies. The deficiencies should be corrected and the application returned to the RO within 14 days. See Appendix II, Application Comment Letter to Owner.
- c. The RO has the authority, by permit regulations, to request additional information not identified on the application.
- d. The application shall be deemed incomplete if the LGOF or SCC Certificate (for PVOTWs) does not accompany the application for issuance.
- e. The Water Resource Manager is responsible for reviewing and concurring with a permit writer's determination of an incomplete application.

7. Recording RO-Permittee Correspondence

When the RO receives no response from the permittee to a written request for information (i.e. application submittal, application deficiencies, draft comments, modification information, public notice authorization forms, public notice verification, etc.), the RO shall contact the permittee by telephone, at a minimum of one (1) time, to try and resolve the problem. The call and its details shall be recorded in the RO permit file.

8. Permit Application Denial

A determination shall be made to issue or deny the permit. If there are questions on denying the application, the RO shall contact OWRM. If the determination has been made to deny the permit, follow the instructions in Section VI.

SECTION II APPLICATION PROCEDURES

9. Identify Non-delegated or Delegated Permit

In order to decide how the permit shall be processed, the RO must determine if the facility requires a non-delegated or delegated permit.

- a. A non-delegated permit is required for all major facilities, as defined by the SWCB-EPA agreement, the *NPDES Major/Minor Permit Rating Work Sheet*, and any minor facilities identified in OWRM Guidance Memos. If you have any questions regarding new industrial facilities, contact OWRM Permits Program for guidance. See the *Definitions* section of the *Introduction* for a description of major municipal facilities and Appendix II, List of Virginia Major Facility VPDES Permits.
- b. Delegated permits are for those facilities not included in the non-delegated category.
- c. Any VPDES Permit that is to include non-delegated VPA requirements will be considered non-delegated. OWRM will review the combined application with emphasis being placed on the VPA portion. The final package will be processed as a non-delegated permit.

10. Obtain Application (Permit) Number

Once the application is determined to be administratively complete (including the receipt of VDH comments), the RO shall immediately obtain an application number from OWRM for all issuances. The application number shall become the permit number when the draft permit is written.

11. Start the 120-day Processing Period

a. For non-delegated permits:

- (1) Submit all applications to OWRM for review and concurrence using the Routing and Transmittal Slip found in Appendix III.
- (2) The 120-day period that the Department has to issue or deny a permit shall begin upon receipt of OWRM concurrence that the application is complete.
- (3) Note the date of the complete application on the processing sheet or tracking sheet.

b. For delegated permits:

- (1) The RO will continue the issuance process at the regional level.
- (2) The 120-day period during which the Board has to issue or deny a permit shall begin upon determination that the application is complete.
- (3) Note the date of the complete application on the processing sheet or tracking sheet.

SECTION II APPLICATION PROCEDURES

- c. Problems noted anytime during the permitting process that seriously contradict the application may be cause to return the application to the owner. If this occurs, the 120 day clock stops and starts at zero when the issue is resolved.

II C. Technical Review

1. **Technical Details**

Concurrently to reviewing the application for administrative correctness, the technical details of the application shall be considered. The RO has the authority to ask the permittee for additional information that was not in sufficient detail or was not requested in the application form. This includes concept engineering reports or preliminary engineering reports where applicable. The application should provide the permit writer with all facility information necessary for development of the fact sheet or statement of basis; if the technical review reveals deficiencies and documents can not be developed from the information provided, the application may be deemed incomplete.

2. **Identify Toxics Management Program (TMP)**

- a. Any facility having a discharge described in one or more of the following categories shall be required to conduct toxics monitoring:
 - (1) A discharge has the potential to contain or is known to contain a toxic pollutant as defined by the Toxics Management Regulation VR 680-14-03.
 - (2) Any industry that falls into one of the Standard Industrial Classification (SIC) Codes identified in VR-680-14-03.
 - (3) Any industry with a daily maximum wastewater flow \geq 50,000 gallons per day.
 - (4) Publicly owned treatment works (POTW) with a flow \geq 1 million gallons per day.
 - (5) Any POTW with a pretreatment program.
 - (6) Any other discharge that the Board deems has the potential for toxicity or instream impact based on an evaluation of manufacturing processes, effluent or receiving stream data or other relevant information.
- b. For EPA's list of designated Priority Pollutants and Implementation Guidance for Toxics Management Regulation, see Appendix II.
- c. OWRM Review - If a toxicity problem or a potential toxicity problem exists, the RO shall send the application to OWRM. This applies to all facilities. OWRM will review the application and return comments and/or concurrences to the RO within 14 days.

SECTION II APPLICATION PROCEDURES

II D. Reissuance Application Requirements

1. **Review Master File**

The RO shall maintain a master file or list of all permittees within their region, to include permit expiration dates. A master list can be obtained through OWRM for each RO. The master list shall be reviewed monthly by the RO and the status of each expiring permit forwarded to OWRM.

2. **Permittee Notification**

Not later than 240 days prior to the expiration of a permit, the RO shall advise the respective permittees, by *certified* letter, that they must file for reissuance of their permit. Application forms and instructions shall also be provided to the permittee.

The PTS generated letters for notifying the permittee of reissuance requirements, the Reissuance Reminder Letter, are shown in Appendix II. Note the different formats for the notification letters.

3. **180-Day Filing Requirement**

In addition to being reminded of the expiration date of the permit, the permittee shall be informed that the completed reissuance application is required 180 days prior to the permit's expiration date.

4. **Complete Reissuance Application**

- a. The permittee must correctly complete the application for a reissued permit. Incorrectly filled out applications will be returned to the permittee for corrections as indicated in paragraph "Complete Application" on page II-4 of this section.
- b. Applications for reissuances shall be submitted the same as issuance applications described on page II-1 of this section.
- c. The permit should be reissued before it expires if a complete and timely application was received. *Document in the staff comments section of the Approval Memo any explanations as to why the permit was not issued prior to expiration.*
- d. Note the date of the complete application on the tracking sheet.

5. **Denial of a Reissuance Application**

If a determination has been made to recommend denial of the permit renewal, follow the instructions in Section VI.

SECTION II APPLICATION PROCEDURES

6. OECA Notification

- a. If a permittee fails or refuses to comply with the 180-day requirement for filing a complete application for reissuance, the Regional staff shall advise the Office of Enforcement and Compliance Auditing (OECA). The non-complying party shall be informed that his permit is being tracked and that failure to file for reissuance will require cessation of his discharge at the expiration of his current permit.
- b. All permittees who have allowed their permit to expire shall be referred to OECA for appropriate action.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

III A. Preparation for Issuance/Reissuance of Permits

1. **Prepare Facility Information Form (FIF)**

When the application is administratively complete and a permit number has been issued, complete an FIF and submit it to the Department of Information Services (DIS). See Appendix III for a sample Facility Information Form (FIF).

The PTS will eventually delete this form.

2. **Conduct Site Inspection**

Insure that an inspection of a proposed or existing discharge site has been made prior to the issuance of a permit. A technical inspection conducted within the past two years satisfies this requirement. A compliance inspection or laboratory inspection does not fulfill the inspection requirement.

Site inspections are not required for single family homes and for sewage discharges equal to or less than 1,000 gpd. However, even with these facilities, a site inspection should be considered in the case of discharges into protected or prohibited waters or for a permit reissuance where a determination of need for dechlorination is required.

Results of the site inspection should, if possible, include the following:

- a. Location of the proposed or existing discharge for which an application has been filed.
- b. Location of nearby, existing or proposed discharge(s).
- c. Description of the receiving waters at the discharge site.
- d. Determination of stream uses.
- e. Familiarization with plant operations.

3. **Develop Effluent Limitations**

Establish permit effluent limitations, standards or conditions in compliance with Effluent Limitations Guidelines, Water Quality Standards and Best Professional Judgement.

Permits will often have limitations on individual parameters developed by different means, and occasionally, the limitations on a single parameter will be derived through a combination of methods. For example, an effluent may have total suspended solids limited by effluent guidelines, oil and grease limited by BPJ, ammonia by aquatic toxicity (water quality considerations), and BOD by effluent guidelines for part of the year and by water quality considerations (dissolved oxygen) for the remainder of the year. Theoretically, limits could be established for each parameter by both water quality considerations and by technology-based factors. **The more stringent of the two values should be applied.**

SECTION III ISSUANCE/REISSUANCE PROCEDURES

4. Effluent Limitations Guidelines (ELGs)

The determination of limits using ELGs is usually the most straightforward. ELGs are established by EPA regulations and shall be used when they won't violate water quality standards. These discharges are called "technology-based". In some cases, particularly for toxic pollutants, technology-based limits may also be reached as a result of in-process controls during production. Refer to the Bureau of National Affairs (BNA) book, VPDES Technical Manual and DEQ, Water Division Guidance Memos for methods of determining specific ELGs.

- a. Whenever an effluent guideline applies, the level of control prescribed by the guideline represents a minimum level of control that must be required in the permit.
- b. Effluent guidelines are not considered to apply if: An effluent guideline has been withdrawn by EPA or remanded by court. However, the Office of General Counsel of EPA may decide that certain determinations made by the Administrator in establishing a guideline were not disturbed by the Court's remand, and must still be followed by permit issuers.
- c. Underlying determinations made by the Administrator in establishing an effluent guideline may include, for example, achievable reductions in flow, achievable end-of-pipe concentrations, or limitations for certain pollutants.
- d. Certain industrial dischargers have standard limitations adopted by the DEQ, Water Division. These are provided in Standard Permit Conditions in Appendix IN.

5. Water Quality Standards (WQS)

Many situations require the development of limitations according to water quality considerations.

- a. Site-specific limits, more stringent than ELGs, are developed to protect the quality of the receiving waters (called ambient conditions). Such bodies of water are called "water quality-limited". Site specific WQS are found in State Water Control Board Regulations.
- b. The RO can establish effluent limitations for wastewaters containing oxygen demanding waste using the latest version of the Regional Water Quality Model for Free Flowing Streams or the Regional Tidal Modeling System. Effluent limitations for toxic compounds can be established using the Water Quality Model for Toxics documented in OWRM Guidance 93-015 or its successor.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

10. Owner Review

- a. When OWRM and EPA have finished review of the application, draft permit, and fact sheet, the RO shall forward a complete copy of the draft permit (all standardized pages included) and fact sheet to the owner.
- b. Transmittal of the draft permit and notification to the owner of the public notice requirements are performed in a single letter.

A sample transmittal letter is shown in Appendix III, Draft Permit/PN Letter to Owner. The Public Notice Format and Public Notice Authorization Form, which are enclosures of the letter, are found in Appendix III.

- c. The owner has 14 days after receipt of a copy of the draft permit to comment and/or object to its provisions. During this period, the owner may request a meeting to discuss the proposed permit conditions, or may elect to withdraw the application and thereby discontinue processing by the DEQ, Water Division. If the owner does not sign and submit the PN authorization form within 14 days, processing ceases, the application is recorded as incomplete and returned to the applicant.
- d. Any significant changes to the draft permit as a result of owner comments shall require review by the appropriate agencies..

11. Public Notice

After the owner has returned a signed PN authorization form, prepare the public notice package. Receipt of the authorization form is required before public noticing can proceed. Send the public notice and the PN authorization form to the newspaper and to OWRM-Mailing List for distribution to those individuals on the mailing list. If a public hearing is required, see Hearing Procedures, Appendix III.

- a. The owner is responsible for the payment of the public notice and authorizes the DEQ, Water Division to publish the public notice via the authorization form. Receipt of the form is required before public noticing can proceed. Refer to OECA any reissuance permits which have expired and are continuing to discharge. Examples of the Transmittal Letter to the Newspaper and the Public Notice Verification Form are found in Appendix III.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

11. Public Notice (cont.)

- b. Promptly after completion of the owner comment period, his application for a VPDES Permit shall be given public notice by publication, once a week, for two consecutive weeks, exactly seven days apart, in a newspaper of general circulation in the county, city or town in which the discharge is located. Contact OPA for information concerning acceptable newspapers.
- c. Each RO maintains its own public notice numbering system. The first public notice in each Region was numbered VA-RO M/I 00001. The public notice number will be increased by one number for each successive application.
- d. The Department shall allow a period of 30 days following the date of the initial public notice publication, during which time interested persons may submit their written comments (i.e. if the initial PN appears in Wednesday's newspaper, Thursday will be the first day of the 30-day comment period). The RO shall attempt to resolve received comments during the comment period. All written comments submitted during the 30 days will be retained and considered by the Department. The RO will defer further processing actions until completion of public notice procedures.

If a decision is made to deny the permit based upon comments received, follow the Denial Procedures in Section VI of this manual.

- e. At the end of the public notice period, the RO will notify those individuals who commented during the public notice period to inform them of the disposition of their inquiries.
- f. All issuance and reissuance files at the RO shall contain a copy of both actual public notices from the newspaper or a photocopy of the ads with a sworn statement from the newspaper. A photocopy without a sworn statement is not acceptable. The RO may continue with the standard procedure of having the newspaper forward the certification of publication to the RO, or the RO may, by letter, require the owner to obtain certification, while informing the owner that permit processing will not proceed until the verification form is received.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

12. Optional Public Notice Procedures

- a. With this optional procedure, send the transmittal letter, draft permit, actual public notice and the public notice verification form to the owner. In the transmittal letter, instruct the owner to review the permit and then publish the public notice in a newspaper designated by the permit writer. Have the owner send verification of the publication to the RO. Tell the owner all of this is to be completed within 35 days of the transmittal letter date. If verification is not received in 35 days, stop permit processing and return the application to the owner. Sample letter is in Appendix III, Draft Permit/Optional PN Letter to Owner.
- b. If people make comments or requests for information after the mailing list is sent, but prior to the public notice appearing in the newspaper, tell them the information will be sent following the notice in the newspaper.

13. Notification of Interested Parties

- a. Transmit a copy of the public notice to OWRM-Mailing List at the same time the public notice is submitted to the newspaper. OWRM shall notify interested parties of the proposed permit issuance/reissuance, via the mailing list, and provide them with an opportunity to comment in accordance with the Permit Regulation. OWRM shall mail a copy of the public notice mailing list to EPA.

When using the optional PN procedure, transmit a copy of the Public Notice to OWRM-Mailing List at the same time the Public Notice package is sent to the owner.

- b. If any changes are made in the draft permit after the 30-day comment period, the RO shall forward a copy of the revised pages of the draft permit and fact sheet to OWRM for concurrence and, if the permit is for a major facility, then to EPA. EPA shall then comment in writing.

14. Corps of Engineers Review

- a. Transmit a copy of the application, fact sheet and draft permit, at the time of issuance of the public notice, to the District Engineer of the COE. If the optional PN procedure is used, transmit these documents to the COE at the same time the Public Notice package is sent to the owner.

An example Transmittal Letter to the COE and the U.S. Army Corps of Engineers' address are found in Appendix III.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

14. Corps of Engineers Review (cont.)

- b. If the COE advises the RO in writing, during the 30-day comment period, that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of a permit, the owner shall be notified and asked to either modify the application to satisfy the COE or withdraw his application. Failure to do either would result in a denial recommendation.
- c. If the COE advises the RO that imposing specified conditions upon the permittee is necessary to avoid any substantial impairment of anchorage and/or navigation, the permit writer shall include the conditions specified by the District Engineer. Any objection or redress by the applicant shall be made through the applicable procedures of the COE.

15. Adjacent States Review

- a. At the time of the issuance of the public notice, the draft permit and fact sheet shall be transmitted to any other state whose waters may be affected by the issuance/reissuance of the permit. Adjacent State Agency Addresses and a sample Transmittal Letter to Adjacent States are found in Appendix III.
- b. Each state will be given 30 days to submit comments.
- c. If the RO does not incorporate recommendations of any affected state, that state and the EPA Regional Administrator for Region III shall be provided a written explanation of the reasons for not incorporating such recommendations. This letter will be provided on all permits before issuance/reissuance.
- d. The adjacent state review may be accomplished concurrently with the public notice comment period.

16. Other Agencies Review

- a. For proposed facilities discharging into trout waters (Class V & VI), the application, fact sheet and draft permit shall be sent, at the time of issuance of the public notice, to Department of Game and Inland Fisheries (DGIF).
- b. At the issuance of public notice, the RO shall send a copy of the application, fact sheet and draft permit to the Virginia Institute of Marine Science (VIMS). This applies to all new discharges into tidal areas. VIMS has the 30-day comment period for its review.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

16. Other Agencies Review (cont.)

- c. The U.S. Fish and Wildlife Service (F&WS), the National Marine Fisheries Service (NMFS) or any State or other Federal Agency with jurisdiction over fish, wildlife, or public health may advise the RO in writing, during the 30-day comment period, that special conditions need to be imposed upon the permit to avoid substantial risk to public health, or impairment of fish and/or wildlife resources. The permit writer may include these special conditions in the permit if they are necessary to carry out the provisions of the Law or the Act.

This does not supersede the procedures for shellfish waters mentioned in Section II B. of this manual.

An example Transmittal Letter to DGIF, Fish & Wildlife Service, NMFS, VIMS & VMRC and their addresses are provided in Appendix III.

17. Public Hearing

- a. In accordance with the Permit Regulation, the Hearing Procedures (see Appendix III, Hearing Procedures), and Procedural Rule No. 1, action relative to a discharge proposal, shall generally be delayed and a public hearing held when the following exist:
 - (1) There is significant public interest in the issuance, reissuance, denial, major modification or termination of the permit in question, and
 - (2) There are substantial, disputed issues relevant to the issuance, reissuance, denial, modification or termination of the permit in question, and
 - (3) The action requested is not consistent with, or in violation of, the SWCL, federal law or any regulation promulgated thereunder; or
 - (4) That a public hearing is required by statute.
- b. The Regional Director is responsible for tracking the public hearing request and shall immediately contact OWRM and OPA of all public hearing requests (by telephone or PROFS). The Regional Director shall insure that OWRM, OPA, OERS, OEA, and OECA have copies of the letters requesting the public hearing.
- c. The RO shall attempt to resolve all requests for hearings in writing prior to submitting the final package with recommendations to OWRM. This should occur within the 30 day comment period.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

17. Public Hearing (cont.)

- d. The staff shall respond to the persons requesting the hearing within 30 days after the public notice expires, either to grant or deny a hearing. The response letter is to be signed by the Regional Director. The response letter and the authorization memorandum to the Director, Water Division for approval or denial shall be prepared by the RO and transmitted through OWRM for concurrence.

When a public hearing is requested, the permit shall not be issued until after the Director has made a decision on holding a public hearing.

When a public hearing is approved, OPA will make public notice of the hearing, and copy the RO and OWRM. OPA will hold the hearing.

- e. Once a hearing is scheduled by OPA, the RO is responsible for preparing and making the staff presentation. The RO is also responsible for developing findings of fact, conclusions of law and recommendations. These must be approved by OWRM, OPA and the AG's Office.
- f. Where toxics or standards are involved, it is OWRM-TMP's or OERS' responsibility to defend those portions of the permit during the hearing and assist in developing any findings of fact, conclusions of law and recommendations which pertain to OWRM-TMP or OERS.
- g. Additional public comment may be required if, as a result of a hearing, a permit is revised to contain limitations or conditions different from those in the noticed permit and the Department feels the public should have the opportunity to comment on the revisions.

If a decision is made to deny the permit based upon the hearing, follow the denial procedures described in Section VI of this manual.

- h. EPA shall be given the opportunity to comment on a major facility permit that has been revised as a result of a public hearing.

18. Process the Final Non-delegated Permit Package

At the close of the public notice period, or upon completion of the public hearing (if one occurred), compile and forward the Approval Memorandum Package to OWRM for review and signatures.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

18. Process the Final Non-delegated Permit Package (cont.)

Do not submit the final permit package more than 3 months prior to the permit's expiration date. If a RO has a permit ready for signature earlier than 3 months prior to expiration, contact the Permits Program Manager for consideration of early approval. The permit package should be kept in the regional office until the proper time for signature.

- a. Prepare an approval memorandum with the final permit, the signature line should be titled "Director". The memorandum will be from the OWRM Permits Program Manager to the Director.
- b. Additionally, prepare the letter transmitting the final permit to the owner for signature by the OWRM Permits Program Manager.
- c. To ensure that permits that will expire within two weeks are handled in a timely manner, the OWRM Permits Program Manager shall be notified by the RO Water Resources Manager, prior to the permit being dispatched from the RO. In the absence of the Water Resources Manager the Regulatory Services Supervisor will do the notifying.
- d. Prepare the draft DMRs and include them in the final permit package. OWRM shall forward the DMRs to DIS for printing. A list of parameter codes for use in completing the draft DMRs are included in Appendix III, DMR Parameter Codes.
- e. The Approval Memorandum Package should contain the following (See Appendix III, Approval Memorandum Package Contents):
 - (1) Routing and Transmittal Slip
 - (2) Approval Memorandum (example provided)
 - (3) Transmittal Letter (example provided) - Final transmittal letter stationery does not contain Board members in letterhead.
 - (4) Concurrence Sheet - All final packages shall contain a concurrence sheet. It shall be signed by the appropriate persons including the Water Resources Development Division representative, Regulatory Services Supervisor, Water Resources Manager, and Regional Director.
 - (5) Permit - Do not type in the effective or expiration dates on the cover page. OWRM is responsible for typing the dates on non-delegated permit cover pages.
 - (6) Draft DMRs
 - (7) Envelopes and/or labels with addresses of owners, individuals or agencies are to be included with the permit.
 - (8) Certified mail receipt and return receipt request.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

18. Process the Final Non-delegated Permit Package (cont.)

- f.** OWRM shall review the final permit package and may return the package to the RO if major corrections are needed.
- g.** The permit's signature line will be titled "Director, Department of Environmental Quality" but will be signed by the OWRM Director. The exception is that any permit receiving a public hearing shall have the permit and Approval Memorandum signed by the Director.
- h.** All policy changes requiring permit changes will be made by OWRM until such time the ROs are notified of the required changes.
- i.** OWRM shall distribute the permit to the owner, appropriate government agencies, and the ROs. OWRM shall complete the FIF and submit it to DIS. The RO shall be copied with an FIF and the concurrence sheet. The original certified mail receipts will be returned to the RO with their copy of the signed permit. These receipts shall be maintained in the RO permit file.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

5. Prepare Discharge Monitoring Report (DMR) (cont.)

- b.** If DIS does not have a parameter code for a pollutant that requires monitoring, the RO shall initiate a request for the inclusion of the new code into the list of DMR parameters. Draft a memo describing the requested parameter code, the time (in months) the parameter is to be monitored and the reasons for the request. This memo is to be from the Water Resources Manager to the Permits Program Manager. OWRM will initiate the change with DIS.
- c.** For revisions to DMR's associated with newly issued administrative Consent Orders and judicial Consent Decrees, the RO shall prepare and process the revised DMR consistent with the above procedure such that the appropriate DMR is available to the permittee for the first monitoring report due date after the Order or Decree has been issued.

Additional guidance and a list of parameter codes used to complete DMRs are found in Appendix III, Discharge Monitoring Report.

6. Receive Planning Concurrence

Have the planning section review the permit application and/or draft permit to be sure the discharge agrees with the Permit Regulation Section 1.5 and applicable areawide or basin-wide water quality control and waste management plans or policies.

- a.** Do not issue/reissue a permit that conflicts with an areawide or basin-wide water quality control and waste management plan or policy.
- b.** For auditing purposes, the RD's signature on the final permit package concurrence sheet will be accepted as the RO planning section concurrence on the draft permit.

7. OWRM Review of Application, SOB/Fact Sheet and Draft Permit

For delegated permits requiring a TMP, forward the application, completed draft permit and fact sheet to OWRM-TMP for review. OWRM-TMP will copy the TMP onto a diskette and return the diskette to the RO along with the draft permit package. Return the diskettes to OWRM-TMP to be resubmitted with the next TMP.

OWRM/OWRM-TMP shall have 14 days to review and comment on the draft permit. At this time OWRM-TMP will develop the TMP.

For other delegated permits, the application, SOB and draft permit should be processed by the RO.

8. Virginia Department of Health Review

- a.** Transmit a copy of the municipal draft permit and SOB/Fact Sheet to the appropriate regional office of the VDH, Office of Water Programs, Environmental Engineering Field Office.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

8. Virginia Department of Health Review (cont.)

- b. For industrial facilities which discharge into shellfish waters, or have outfalls discharging effluents composed of a greater than 10 % municipal waste (based on the long term average flow), send a draft permit and FS/SOB to the appropriate VDH regional office.

An example transmittal letter is provided in Appendix III, Transmittal Letter to VDH, and addresses of VDH Regional Offices are in Appendix II, VDH Addresses and Telephone Numbers.

VDH will have 14 days to comment on the draft permit.

9. Owner Review

- a. After review by the required agencies and appropriate changes made, send a complete copy of the draft permit (all standardized pages included) and FS/SOB to the owner.
- b. Transmittal of the draft permit and notification to the owner of the public notice requirements are performed in a single letter.

A sample transmittal letter is shown in Appendix III, Draft Permit/PN Letter to Owner. The Public Notice Format and Public Notice Authorization Form, which are enclosures of the letter, are found in Appendix III.

- c. The owner has 14 days after receipt of a copy of the draft permit to comment and/or object to its provisions. During this period, the owner may request a meeting to discuss the proposed permit conditions, or may elect to withdraw the application and thereby discontinue processing by the DEQ, Water Division. If the owner does not sign and submit the PN authorization form within 14 days, processing ceases, the application is recorded as incomplete and returned to the applicant.
- d. Any significant changes to the draft permit as a result of owner comments shall require review by the appropriate agencies.

10. Public Notice

After the owner has returned a signed PN authorization form, prepare the public notice package. Receipt of the authorization form is required before public noticing can proceed. Send the public notice and the PN verification form to the newspaper and to OWRM-Mailing List for distribution to those individuals on the mailing list. If a public hearing is required, see Hearing Procedures, Appendix III.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

10. Public Notice (cont.)

- a. The owner is responsible for the payment of the public notice and authorizes the DEQ, Water Division to publish the public notice. Refer to OECA any reissuance permits which have expired and are continuing to discharge. The Transmittal Letter to Newspaper and the Public Notice Verification Form are found in Appendix III.
- b. Promptly after completion of the owner comment period, his application for a VPDES permit shall be given public notice by publication, once a week, for two consecutive weeks, exactly seven days apart, in a newspaper of general circulation in the county, city or town in which the discharge is located. Contact OPA for information concerning acceptable newspapers.
- c. Each RO maintains its own public notice numbering system. The first public notice in each Region was numbered VA-RO M/I 00001. The public notice numbers are increased by one number for each successive application.
- d. The Department shall allow a period of 30 days following the date of the initial public notice publication, during which time interested persons may submit their written comments (i.e. if the initial PN appears in Wednesday's newspaper, Thursday will be the first day of the 30-day comment period). The RO shall attempt to resolve received comments during the comment period. All written comments submitted during the 30 days will be retained and considered by the Department. The RO will defer further processing actions until completion of public notice.

If a decision is made to deny the permit based upon comments received, follow the Denial Procedures in Section VI of this manual.

- e. At the end of the public notice period, notify those individuals who commented during the public notice period to inform them of the disposition of their inquiries.
- f. All issuance and reissuance files in the RO shall contain a copy of both actual public notices from the newspaper or a photocopy of the ad with a sworn statement from the newspaper. A photocopy without a sworn statement is not acceptable. The RO may have the newspaper forward the certification of publication to the RO, or the RO may, **by letter**, require the owner to obtain certification, while informing him that permit processing will not proceed until the certification is received.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

11. Optional Public Notice Procedures

- a. When using this optional procedure, send the transmittal letter, draft permit, actual public notice and the public notice verification form to the owner. In the transmittal letter, instruct the owner to review the permit and then publish the public notice in a newspaper designated by the permit writer. Have the owner send verification of the publication to the RO. Tell the owner all of this is to be completed within 35 days of the transmittal letter date. If verification is not received in 35 days, stop permit processing and return the application to the owner. Sample letter shown in Appendix III, Draft Permit/Optional PN Letter to Owner.
- b. If people make comments or requests for information after the mailing list is sent, but prior to the public notice appearing in the newspaper, tell them the information will be sent following the notice in the newspaper.

12. Notification of Interested Parties

Transmit a copy of the public notice to OWRM-Mailing List at the same time the public notice is submitted to the newspaper. OWRM shall notify interested parties of the proposed permit issuance/reissuance, via the mailing list, and provide them with an opportunity to comment in accordance with the Permit Regulation. OWRM shall mail a copy of the public notice mailing list to EPA.

When using the optional PN procedure, transmit a copy of the Public Notice to OWRM-Mailing List at the same time the Public Notice package is sent to the owner.

13. Corps of Engineers Review

- a. Send a copy of the application, FS/SOB and the draft permit to the Corps of Engineers when the public notice is issued. If the optional PN procedure is used, transmit these documents to the COE at the same time the Public Notice package is sent to the owner.

An example Transmittal Letter to the COE and the U.S. Army Corps of Engineers' address are found in Appendix III.

- b. If the COE advises the RO in writing, during the 30-day comment period, that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of a permit, the owner shall be notified and asked to either modify the application to satisfy the COE or withdraw his application. Failure to do either would result in a denial recommendation.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

13. Corps of Engineers Review (cont.)

- c. If the COE advises the RO that imposing specified conditions upon the permittee is necessary to avoid any substantial impairment of anchorage and/or navigation, the permit writer shall include the conditions specified by the District Engineer. Any objection or redress by the applicant shall be made through the applicable procedures of the COE.

14. Adjacent States Review

- a. At the time of the issuance of the public notice, the draft permit and FS/SOB shall be sent to states whose waters may be affected by the issuance/reissuance of the discharge permit. Adjacent State Agency Addresses and a sample Transmittal Letter to Adjacent States are found in Appendix III.
- b. Each affected state will be given 30 days to submit comments.
- c. If the RO does not incorporate recommendations of any impacted state, that state and the EPA Regional Administrator Region III shall be provided a written explanation of the reasons for not incorporating such recommendations. This letter will be provided on all permits before issuance/reissuance.
- d. The adjacent state review may be accomplished concurrently with the public notice comment period.

15. Other Agencies Review

- a. For proposed facilities discharging into trout waters (Class V & VI), the application, fact sheet and draft permit shall be sent, at the time of issuance of the public notice, to Department of Game and Inland Fisheries (DGIF).
- b. At the issuance of public notice, the RO shall send a copy of the application, FS/SOB and draft permit to the Virginia Institute of Marine Science (VIMS). This applies to all new discharges into tidal areas. VIMS has the 30-day comment period for its review.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

15. Other Agencies Review (cont.)

- c. The U.S. Fish and Wildlife Service, the National Marine Fisheries Service or any State or other Federal Agency with jurisdiction over fish, wildlife, or public health may advise the RO in writing, during the 30-day comment period, that special conditions need to be imposed upon the permit to avoid substantial risk to public health, or impairment of fish, and/or wildlife resources. The permit writer may include these special conditions in the permit if they are necessary to carry out the provisions of the Law or the Act.

This does not supersede the procedures for shellfish waters mentioned in Section II B. of this manual.

Example Transmittal Letters to DGIF, Fish & Wildlife, NMFS, VIMS & VMRC and their addresses are provided in Appendix III.

16. Public Hearing

- a. In accordance with the Permit Regulation, the Hearing Procedures (see Appendix III, Hearing Procedures), and Procedural Rule No. 1, action relative to a discharge proposal, shall generally be delayed and a public hearing held when the following exist:
 - (1) There is significant public interest in the issuance, reissuance, denial, major modification or termination of the permit in question, and
 - (2) There are substantial, disputed issues relevant to the issuance, reissuance, denial, modification or termination of the permit in question, and
 - (3) The action requested is not consistent with, or in violation of, the SWCL, federal law or any regulation promulgated thereunder; or
 - (4) That a public hearing is required by statute.
- b. The Regional Director is responsible for tracking the public hearing request and shall immediately contact OWRM and OPA of all public hearing requests (by telephone or PROFS). The Regional Director shall insure that OWRM, OPA, OERS, OEA, and OECA have copies of the letters requesting the public hearing.
- c. The RO shall attempt to resolve all requests for hearings in writing prior to submitting the final package with recommendations to OWRM. This should occur within the 30 day comment period.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

16. Public Hearing (cont.)

- d. The staff shall respond to the persons requesting the hearing within 30 days after the public notice expires, either to grant or deny a hearing. The response letter is to be signed by the Regional Director. The response letter and the authorization memorandum to the Director, Water Division for approval or denial shall be prepared by the RO and transmitted through OWRM for concurrence.

When a public hearing is requested, the permit shall not be issued until after the Director has made a decision on holding a public hearing.

When a public hearing is approved, OPA will make public notice of the hearing, and copy the RO and OWRM. OPA will hold the hearing.

- e. Once a hearing is scheduled by OPA, the RO is responsible for preparing and making the staff presentation. The RO is also responsible for developing findings of fact, conclusions of law and recommendations. These must be approved by OWRM, OPA and the AG's Office.
- f. Where toxics or standards are involved, it is OWRM-TMP's or OERS' responsibility to defend those portions of the permit during the hearing and assist in developing any findings of fact, conclusions of law and recommendations which pertain to OWRM-TMP or OERS.
- g. Additional public comment may be required if, as a result of a hearing, a permit is revised to contain limitations or conditions different from those in the noticed permit and the Department feels the public should have the opportunity to comment on the revisions.

If a decision is made to deny the permit based upon the hearing, follow the denial procedures described in Section VI of this manual.

17. Request DMR

Request a computer printed DMR from DIS using a "Routing and Transmittal Slip" attached to a blank FIF, with the region and permit number typed in, and an example DMR. Make all requests before the noon Friday deadline. DIS will mail the original and two copies of the DMR to the RO the following Wednesday.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

18. Process the Final Delegated Permit Package

At the close of the public notice period, or upon completion of the public hearing, if one occurred, compile and forward the Approval Memorandum Package for review and signatures. For reissuances, do not sign and distribute the final permit package more than 2 months prior to the permit expiration date. If the RO has a permit ready for signature earlier than 2 months prior to expiration, contact the Permits Program Manager for consideration of early approval.

- a. Prepare an approval memorandum; it shall be from the Regional Water Resources Manager. The approval line on the memorandum is to be titled "Director", however it will be signed by the Regional Director. See Appendix III, Approval Memorandum Package Contents for an example Approval Memorandum - Delegated Format.
- b. The letter transmitting the final permit to the owner shall be from the Regional Water Resources Manager. See Appendix III, Approval Memorandum Package Contents for an example Transmittal Letter Delegated.
- c. The permit's signature line will be titled "Director, Department of Environmental Quality" but will be signed by the Regional Director.
- d. The **exception** to this policy is when a permit receives a public hearing. In this case the Director shall sign the approval memorandum and the permit. The permit will be processed as a non-delegated permit.
 - (1) The final permit package should be arranged so that the Director's approval memorandum is first, followed by the transmittal letter, the permit and then the other papers listed in the Approval Memorandum Package described in Appendix III.
 - (2) When the permit is to be signed by the Director (when a public hearing has been conducted) attach a red paper clip where the Director's signature is required.
 - (3) For permits that received a public hearing, staple the Routing and Transmittal Slip on the outside of the blue folder and transmit to OWRM. See Appendix III, Approval Memorandum Package for an example Routing and Transmittal Slip utilized by OWRM.
- e. A concurrence sheet is required. It shall be signed by the appropriate persons including the Water Resources Development Division representative, Regulatory Services Supervisor, and Water Resources Manager.

SECTION III ISSUANCE/REISSUANCE PROCEDURES

19. Dating the Permit

- a. When the documents are signed, type the effective and expiration dates on the permit cover page.
- b. For issuances, the effective date is the date the permit is signed.
- c. For reissuances, if the signature date is prior to the expiration date of the previous permit, the effective date will be the same as the expiration date.
- d. If the permit is reissued after the expiration date, the effective date is the date the permit is signed.
- e. Permits shall remain in effect for a period of up to five years.

20. Copy Final Package

Copy and distribute the permit package as follows:

- a. Owner by CERTIFIED MAIL
 - (1) Original transmittal letter
 - (2) Original permit with top copy of DMR
 - (3) Copy of the Director Memorandum
- b. OWRM-Permits
 - (1) transmittal letter
 - (2) permit with copy of DMR
 - (3) Director Memorandum
 - (4) application
- c. EPA
 - (1) transmittal letter
 - (2) permit
 - (3) Third copy of DMR
 - (4) Director Memorandum
 - (5) fact sheet/SOB
 - (6) application
- d. VDH (Municipal or Industrial with $\geq 10\%$ municipal waste)
 - (1) 1 copy to VDH-HQ and 1 copy to the VDH-RO of the entire permit package
- e. RO
 - (1) Entire permit package (w/ original Director Memo.)
 - (2) Second copy of DMR

21. Send FIF to DIS

Complete the FIF with the new issuance and expiration dates and send it to DIS. See Appendix II, Facility Information Form (FIF).

SECTION III ISSUANCE/REISSUANCE PROCEDURES

III D. Issuance/Reissuance of Permits For Single Family Homes

1. Process SFH Applications

These permits shall be processed following the same procedures as specified for delegated permits.

2. Waived Requirements

The following documents and conditions are not required for SFH permits:

- a. SOB (required when public hearing is held)
- b. Reliability Class for $\leq 1,000$ gpd discharges
- c. Certificate to Construct (CTC)
- d. Operations and Maintenance (O&M) Manual

3. Site Inspections

Site inspections are not required, however it should be considered for discharges into protected or prohibited waters (also applies to sewage discharges of $\leq 1,000$ gpd).

4. Site Location

Latitude and longitude are not required in the application.

SECTION IV MODIFICATION PROCEDURES

IV A. Initiation of Modification Procedures

The authority of the State Water Control Board to modify VPDES permits is clearly stated in the State Water Control Law, the Permit and the Permit Regulation. This section describes the procedures necessary to initiate modifications to non-delegated permits, delegated permits and Single Family Home permits.

1. Initiating a Modification Request

The modification of a VPDES permit may be initiated by the permittee, interested persons, or the Department's staff. A modification should not be initiated within 15 months of a previous modification or a permit issuance/reissuance. The RO shall track the modification process using, as a minimum, the Modification Tracking Sheet in Appendix IV.

2. Written Modification Request

- a. An owner or an interested person may initiate the modification procedure by submitting to the appropriate DEQ, Water Division RO, a written modification request. The written modification request shall contain the following information:
 - (1) A statement of present permit conditions in question.
 - (2) A statement of the proposed changes being sought.
 - (3) Reasons and justification for the changes or a revised application if the request involves modification or substantial increase in flow, loading, or outfall location.
- b. The modification request should be in letter form and shall be dated and signed by the owner, the owner's agent or the interested person. A Sample Format for a Proposed Modification Request is provided in Appendix IV.
- c. Upon receipt of a modification request from a permittee or from an interested person, the RO should contact OWRM to determine if there are additional modifications needed. If additional modifications are needed then the permittee should be immediately notified and all modifications made at the same time.
- d. In cases where a modification request falls within 15 months of a permit reissuance date, you may send a Reissuance in Lieu of Modification letter such as the one in Appendix IV. Determining whether a reissuance is needed versus a modification is generally done on a case-by-case basis. Procedures for Revocation and Reissuance are presented in Section V, Revocation & Reissuance and Termination Procedures. If you have any questions, contact OWRM.

SECTION IV MODIFICATION PROCEDURES

3. Modification Involving New Applications

If the modification requires the submittal of a new application due to substantial changes to the operation or discharges, the RO shall process the application following the procedures for reissuance in Section III.

An LGOF may be required if the modifications are for relocation of a discharge or if facilities are relocated to a new site. A modification involving an outfall addition to trout waters requires DGIF be notified. Check with OWRM Procedural Section for further guidance if needed.

4. Change of Ownership

A change of ownership does not require public notice if it is the only modification to the permit.

A change of ownership requires the new owner to request, in writing, such a change and to agree to abide by conditions and requirements in the permit. Proof of sale is acceptable for documentation of change of ownership.

5. Automatic Transfer

A permit shall be automatically transferred to the new owner if:

- a. The current owner notifies the RO 30 days in advance of the proposed transfer of the title to the facility or property, and
- b. The current owner's notification includes a written agreement between the existing and proposed new owner containing a specific date of transfer of permit, or responsibility, coverage and liability between them, and
- c. The Director does not, within the 30-day time period, notify the existing owner and the proposed new owner of the Board's intent to modify or revoke and reissue the permit.

All changes of ownership, including automatic transfers, require an entire permit be submitted to the new owner with the final package.

6. Denial of Requests for Modification

- a. The RO shall review the modification request initiated by the permittee or interested person.
- b. Denials of requests for modification require the RO to prepare a letter response from the Regional Director to the requestor giving reasons for the denial. Non-delegated permits shall require OWRM concurrence.
- c. Denials may be appealed to the Director by a letter, briefly setting forth the relevant facts.
- d. Denial of requests do not require public notice.

SECTION IV MODIFICATION PROCEDURES

7. Modifications not Requiring Public Notice

The following permit modifications are considered minor modifications and shall not require public notice and opportunity for hearing unless they would render the applicable standards and limitations in the permit less stringent, or unless contested by the permittee:

Note: The Toxics Management Regulation states that all TMP related permit modifications have to be given public notice.

- a. Correction of typographical errors
For non-delegated permits--typographical errors are corrected by a transmittal letter from the Permits Program Manager.
For delegated permits --typographical errors are corrected by a transmittal letter from the Regional Water Resources Manager.
- b. A change requiring more frequent monitoring or reporting by the permittee.
- c. A change in an interim compliance date, but not beyond 120 days and not where the change would interfere with the attainment of a final compliance date.
- d. A change in company or facility name or change in ownership, when the Department determines that no other change in the permit is necessary.
- e. A change in the construction schedule for a discharger which is a new source.
- f. Deletion of a point source outfall, where the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
- g. Reduction of permit effluent limitations to reflect a reduction in the discharge that results from a shutdown of processes or pollutant-generating activities or from connection of the wastewater discharge to a Publicly Owned Treatment Works (POTW).
- h. Incorporation of a pretreatment program that has been approved by the Department as an enforceable condition of the permit.
- i. A change in plans and specifications that does not result in a change in the effluent limitations of the permit.

The modifications in paragraphs b through i above require an Approval Memo.

SECTION IV MODIFICATION PROCEDURES

IV B. Modification Procedures for Non-delegated Permits

1. Review the Modification Request

- a. If the modification request is considered incomplete, the request shall be returned for corrections and/or submittal of additional information. Modification processing is discontinued until a complete modification request is received.
- b. The RO shall ensure that the VDH has received their copies of the modification request if the modification is for a municipal discharge.
- c. Upon receipt of a complete modification request from the permittee and comments from the VDH, and DSS/VMRC where appropriate (see Section II), forward a copy of the request to OWRM.
- d. Reviewing modification requests should begin within 14 days of receipt of the request.
- e. If the modification is deemed acceptable as proposed, the RO shall begin preparing a draft modified permit and a fact sheet, if a fact sheet is necessary.

2. OWRM Model Concurrence

Successful applications of the regional modeling packages do not require OWRM concurrence. Applications of any other model shall be sent to OWRM for concurrence prior to including results into the modified draft permit. Changes to effluent parameters (flow and pollutant concentrations) in a previously approved model will not require OWRM concurrence. Any other changes in an approved model shall be sent to OWRM for concurrence. If you have any questions, contact OWRM for guidance.

3. Prepare the Modification Fact Sheet (FS)

Prepare a Fact Sheet for all modifications to non-delegated permits where the modification requires a change in the existing Fact Sheet. Fact sheets shall be required for all non-delegated permit modifications that require public noticing.

4. Prepare the Draft Modified Permit Pages

The RO shall prepare a draft of the permit pages containing the proposed modification. In a permit modification, only those conditions to be modified shall be subject to comment during public notice when a modified draft permit is prepared.

- a. Where permittee or interested person initiates modification-- the permit will be modified within the required 120 days after receipt of a complete modification request.
- b. Preparation of the draft modified permit should proceed as in Section III B. of this manual.

SECTION IV MODIFICATION PROCEDURES

9. Permittee Review

Upon completion of OWRM and EPA review, the RO shall forward, to the permittee, a copy of the draft modified permit pages and the modified fact sheet. The RO shall advise the permittee of his right to a hearing if the Department's staff or an interested person initiated the modification.

- a. When public notice is required, transmit a copy of the public notice format and authorization form with the draft modified permit to the permittee, using the Modification/PN Letter to Owner in Appendix IV.
- b. When using the optional public notice procedure described in Section IV C.8., transmit the public notice format, actual public notice and authorization form to the permittee using the Modification/Optional PN to Owner in Appendix IV.
- c. If a proposed modification is initiated by the Department's staff or an interested person, the RO does not require the permittee's consent to prepare the draft modified permit. The permittee may object to the modification during the public comment period.
- d. For a change of ownership, transmittal of the draft modified permit pages and fact sheet are unnecessary.

Both the current and new owners must sign and return the **Change of Ownership Agreement Forms**. The Change of Ownership Agreement Form shall be signed in accordance with application signature requirements. Examples of the Change of Ownership--New or Current Owner transmittal letters and Change of Ownership Agreement Forms are provided in Appendix IV.

- e. For Change of Ownership, the 120-day time period to modify the permit starts with receipt of the Change of Ownership Agreement Forms from the current and new owners. If the current owner's form is unobtainable (eg. owner deceased, no forwarding address, etc.), the 120 days start with the new owner Change of Ownership Agreement Form agreeing to the permit conditions.

SECTION IV MODIFICATION PROCEDURES

10. Public Notice

After the owner has returned a signed PN authorization form, prepare the public notice package. Receipt of the authorization form is required before public noticing can proceed. Send the public notice and the PN verification form to the newspaper and to OWRM-Mailing List for distribution to those individuals on the mailing list. If a hearing is required see Hearing Procedures in Appendix III.

- a. The owner is responsible for the payment of the public notice and authorizes the DEQ, Water Division to publish the public notice via the authorization form. If the permittee refuses to pay for a Department-initiated modification, the RO shall contact the Permits Program Manager for approval to pay for the PN and then notify OECA that the permittee is not following procedures.
- b. Promptly after completion of the permittee review, every applicable modification request shall be given public notice by publication once a week for two consecutive weeks, exactly 7 days apart, in a newspaper of general circulation in the county, city, or town in which the discharge is located. Contact OPA for information concerning acceptable newspapers.
- c. Each RO will maintain its own public notice numbering system. The first public notice in each Region was numbered VA-RO M/I 00001. The number is increased by one for each public notice.
- d. The Department shall allow a period of 30 days following the date of the initial public notice publication during which time interested persons may submit their written comments (i.e. if the initial PN appears in Wednesday's newspaper, Thursday will be the first day of the 30-day comment period). The RO shall attempt to resolve the comments during the comment period. All written comments submitted during the 30-day comment period will be retained and considered by the Department. The RO will defer further processing actions until completion of public notice procedures.
- e. See Section IV A.7 for exceptions to public notice.

11. Optional Public Notice Procedures

- a. With this optional procedure, send the transmittal letter, draft permit, actual public notice and the PN verification form to the owner. In the transmittal letter, instruct the owner to review the permit and then publish the public notice in a newspaper designated by the permit writer. Have the owner send verification of the publication to the RO. Tell the owner this is to be completed within 35 days of the transmittal letter date. If verification is not received in 35 days, stop permit processing and return the application to the owner.

SECTION IV MODIFICATION PROCEDURES

11. Optional Public Notice Procedures (cont.)

- b.** If people make comments or requests for information after the mailing list is sent, but prior to the public notice appearing in the newspaper, tell them the information will be sent following the notice in the newspaper.

12. Notification of Interested Parties

- a.** Transmit a copy of the public notice to OWRM-Mailing List at the same time the public notice is submitted to the newspaper. OWRM shall notify interested parties of the proposed permit modification, via the mailing list, and provide them the opportunity to comment in accordance with the Permit Regulation. OWRM shall mail a copy of the public notice mailing list to EPA.

When using the optional PN procedure, transmit a copy of the Public Notice to OWRM-Mailing List at the same time the Public Notice package is sent to the owner.

- b.** At the end of public notice period, the RO will notify those individuals who commented during the public notice period about the disposition of their inquiries.
- c.** If any changes are made in the draft modified permit after the 30-day comment period and the permit is for a major facility, the RO shall forward a copy of the revised pages of the draft modified permit and fact sheet to EPA. EPA shall then comment in writing.

13. Corps of Engineers Review

- a.** Transmit a copy of the modified fact sheet and draft modified permit, at the time of issuance of the public notice, to the District Engineer of the COE.

When using the optional PN procedure, transmit a copy of the Fact Sheet and draft modified permit to COE at the same time the Public Notice package is sent to the owner.

- b.** If the COE advises the RO in writing during the 30-day comment period that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of a modification to an existing permit, the request for modification shall be denied and the owner so notified (see Denial of Requests for Modification, Section IV A.6.).

SECTION IV MODIFICATION PROCEDURES

13. Corps of Engineers Review (cont.)

- c. If the District Engineer advises the RO that imposing specified conditions upon the permittee is necessary to avoid any substantial impairment of anchorage and navigation, the permit writer shall include the conditions specified by the District Engineer. Any objection or redress by the permittee shall be made through the applicable procedures of the COE.

14. Adjacent States Review

- a. At the time of the issuance of the public notice, send the draft modified permit and the modified fact sheet to states whose waters may be affected by the modification. See Appendix III for the format of the Transmittal Letter to Adjacent States and the Adjacent State Agency Addresses.
- b. Each state has 30 days to submit comments.
- c. If an RO does not incorporate the recommendations of an affected state, the affected state and the EPA Regional Administrator Region III shall be provided a written explanation of the reasons for not incorporating such recommendations. This letter will be provided on all permits before modification.
- d. The Adjacent State Review may be accomplished concurrently with the public notice comment period.

15. Other Agencies' Review

Send the draft modified permit and fact sheet, at the issuance of public notice, to any other appropriate government agency when the modification involves something other than a minor modification.

- a. For proposed modifications into trout waters (Class V & VI), send the fact sheet and draft modified permit to the DGIF.
- b. When the modification involves expansion of a plant discharging into tidal waters, send the draft modified permit and fact sheet to VIMS at the issuance of public notice (NRO, PRO, and TRO only).
- c. The U.S. Fish and Wildlife Service, the National Marine Fisheries Service (NMFS) or any other Federal or State Agency with jurisdiction over fish, wildlife, or public health may advise the RO in writing, during the 30-day comment period, that special conditions need to be imposed upon the permit to avoid substantial risk to

SECTION IV MODIFICATION PROCEDURES

15. Other Agencies' Review (cont.)

public health, or impairment of fish and/or wildlife resources. The permit writer may include these special conditions in the permit if they are necessary to carry out the provisions of the Law or the Act.

This does not supersede the procedures for shellfish waters mentioned in Section II B. of this manual.

16. Public Hearing

- a. In accordance with the Permit Regulation, the Hearing Procedures (see Appendix III, Hearing Procedures), and Procedural Rule No. 1, action relative to a discharge proposal shall generally be delayed and a public hearing held when the following exist:
 - (1) There is significant public interest in the issuance, reissuance, denial, major modification or termination of the permit in question, and
 - (2) There are substantial, disputed issues relevant to the issuance, reissuance, denial, modification or termination of the permit in question, and
 - (3) The action requested is not consistent with, or in violation of, the SWCL, federal law or any regulation promulgated thereunder; or
 - (4) That a public hearing is required by statute.
- b. The Regional Director is responsible for tracking the public hearing request and shall immediately contact OWRM and OPA of all public hearing requests (by telephone or PROFS). The Regional Director shall insure that OWRM, OPA, OERS, OEA, and OECA have copies of the letters requesting the public hearing.
- c. The RO shall attempt to resolve all requests for hearings in writing prior to submitting the final package with recommendations to OWRM. This should occur within the 30-day comment period.
- d. The staff shall respond to the persons requesting the hearing within 30 days after the public notice expires, either to grant or deny a hearing. The response letter is to be signed by the Regional Director. The response letter and the authorization memorandum to the Director, Water Division for approval or denial shall be prepared by the RO and transmitted through OWRM for concurrence.

When a public hearing is requested, the permit shall not be issued until after the Director has made a decision on holding a public hearing.

SECTION IV MODIFICATION PROCEDURES

16. Public Hearing (cont.)

When a public hearing is approved, OPA will make public notice of the hearing, and copy the RO and OWRM. OPA will hold the hearing.

- e. Once a hearing is scheduled by OPA, the RO is responsible for preparing and making the staff presentation. The RO is also responsible for developing findings of fact, conclusions of law and recommendations. These must be approved by OWRM, OPA and the AG's Office.
- f. Where toxics or standards are involved, it is OWRM-TMP's or OERS' responsibility to defend those portions of the permit during the hearing and assist in developing any findings of fact, conclusions of law and recommendations which pertain to OWRM-TMP or OERS.
- g. Additional public comment may be required if, as a result of a hearing, a permit is revised to contain limitations or conditions different from those in the noticed modified permit and the Department feels the public should have the opportunity to comment on the revisions.
- h. EPA shall be given the opportunity to comment on a major facility permit that has been revised as a result of a public hearing.

17. Process the Final Modified Permit Package (Non-Delegated)

At the close of the public notice period, or upon completion of the public hearing (if one occurred), compile and forward the Approval Memorandum Package to OWRM.

- a. The RO shall draft an **approval memorandum** for transmittal to OWRM with the final modified permit. The signature line of the approval memorandum should be titled "Director". The memorandum will be from the OWRM Permits Program Manager to the Director.
- b. Additionally, prepare the letter transmitting the final permit to the owner for signature by the OWRM Permits Program Manager.
- c. Route the final modified permit package to OWRM for review and signatures.
- d. OWRM shall review the final permit package and may return the package to the RO if major corrections are needed.

SECTION IV MODIFICATION PROCEDURES

17. Process the Final Permit Package (cont.)

e. The Approval Memorandum Package should contain the following:

- (1) Routing and Transmittal Slip
- (2) Approval Memorandum
- (3) Transmittal Letter - Transmittal letter stationery does not contain Board members in letterhead.
- (4) Concurrence Sheet - All final packages shall contain a concurrence sheet. It shall be signed by the appropriate persons including the Water Resources Development Division representative, Regulatory Services Supervisor, Water Resources Manager, and Regional Director.
- (5) Permit - OWRM is responsible for typing the modification date on non-delegated permit cover pages.
- (6) Envelopes and/or labels with addresses of owners, individuals or agencies to be copied with the permit.
- (7) The certified mail receipt and return receipt request.

The Modification Format for Approval Memo, the Modification Transmittal Letter to Owner, and the Modification Cover page are included in Appendix IV.

- f. The modified permit's signature line will be titled "Director, Department of Environmental Quality" and will be signed by the OWRM Director for the Director **except** when the permit receives a public hearing, then the Director shall sign the permit and the approval memorandum.
- g. OWRM shall distribute the permit to the owner, appropriate government agencies, and the RO's. OWRM shall complete the FIF and submit it to DIS. The RO shall be copied with an FIF and the concurrence sheet. The original certified mail receipts will be returned to the RO with their copy of the signed permit. These receipts shall be maintained in the RO permit file.

SECTION IV MODIFICATION PROCEDURES

IV C. Modification Procedures for Delegated Permits Excluding Single Family Homes

1. Review the Modification Request

- a. A copy of the delegated permit modification request does not have to be sent to OWRM.
- b. If the modification request is considered incomplete, the request shall be returned for corrections and/or submittal of additional information. Modification processing is discontinued until a complete modification request is received.
- c. The RO shall ensure that the VDH has received their copies of the modification request if the modification is for a municipal discharge.

A complete modification request will include comments from the VDH, and DSS/VMRC where appropriate (see Section II).

- d. Reviewing the modification request should begin within 14 days of receipt of the request.
- e. The RO can require a new application be submitted to initiate the modification request.
- f. If a modification to a municipal facility causes the design flow to exceed 1.0 MGD, the modification request shall follow the modification procedures for a non-delegated permit.
- g. If the modification is deemed acceptable as proposed, the RO shall begin preparing a draft modified permit and a statement of basis (SOB) or fact sheet.

2. Prepare the Modification Fact Sheet/Statement of Basis (SOB)

- a. An SOB shall be completed for delegated permits that do not contain a TMP.
- b. A fact sheet is required for delegated permits that contain a TMP.

The first page of the FS/SOB is PTS generated.

3. Prepare the Draft Modified Permit Pages

- a. The RO shall prepare a draft of the permit pages containing the proposed modification.
Where permittee or interested person initiates modification-- the permit will be modified within the required 120 days after receipt of a complete modification request.

SECTION IV MODIFICATION PROCEDURES

3. Prepare the Draft Modified Permit Pages (cont.)

- b. Preparation of the draft permit should proceed as in Section III C. of this manual.
- c. Once the draft modified pages have been formulated, do not send them to OWRM or EPA for review.
- d. In those instances where a proposed permit modification would change the classification of discharge to a status where the waiver provisions do not apply, EPA review is required.

4. Receive Planning Concurrence

Have the planning section review the draft modified permit to be sure the discharge agrees with the Permit Regulation Section 1.5, (applicable area-wide or basin-wide water quality control and waste management plans or policies).

5. Virginia Department of Health Review

- a. Transmit a copy of the municipal draft permit pages and the revised fact sheet to the appropriate regional office of the VDH - Office of Water Programs, Environmental Engineering Field Office.
- b. For industrial facilities which discharge into shellfish waters, or have outfalls discharging effluents composed of greater than 10% municipal waste based on the long term average flow), send the draft modified permit pages and the revised fact sheet to the appropriate VDH regional office.

An example Transmittal Letter to VDH is in Appendix III. VDH Addresses and Phone Numbers are in Appendix II.

- c. The VDH will have 14 days to comment on the draft modified permit pages and the revised FS/SOB.

6. Owner Review

The RO shall forward to the permittee a copy of the draft modified permit pages and the modified SOB, or Fact Sheet in the case of a TMP. The RO shall advise the permittee of his right to a hearing if the staff or interested person initiated the modification.

- a. When public notice is required, transmit a copy of the public notice format and authorization form with the draft modified permit to the permittee, using the Modification/PN Letter to Owner in Appendix IV.

SECTION IV MODIFICATION PROCEDURES

6. Owner Review (cont.)

- b. When using the optional public notice procedure described in Section IV C.8., transmit the public notice format, actual public notice and authorization form to the permittee using the Modification/Optional PN to Owner in Appendix IV.
- c. If a proposed modification is initiated by the staff or an interested person, the RO does not require the permittee's consent to prepare the draft modified permit. The permittee may object to the modification during the public comment period.
- d. For a change of ownership, transmittal of the draft modified permit and SOB or Fact Sheet is unnecessary.

Both the current and new owners must sign and return the **Change of Ownership Agreement Forms**. The Change of Ownership Agreement Form shall be signed in accordance with application signature requirements. The Change of Ownership Transmittal Letters (both Current and New Owner) and The Change of Ownership Agreement Forms are provided in Appendix IV.

- e. For Change of Ownership, the 120-day time period to modify the permit starts with receipt of the Change of Ownership Agreement Forms from the current and new owners. If the current owner's form is unobtainable (eg. owner deceased, no forwarding address, etc.), the 120 days start with receipt of the new owner Change of Ownership Agreement Form agreeing to the permit conditions.

7. Public Notice

After the owner has returned a signed PN authorization form, prepare the public notice package. Receipt of the authorization form is required before public noticing can proceed. Send the public notice and the PN verification form to the newspaper and OWRM-Mailing List for distribution to those individuals on the mailing list. If a hearing is required, see Hearing Procedures in Appendix III.

- a. The owner is responsible for the payment of the public notice and authorizes the DEQ, Water Division to publish the public notice via the authorization form. If the permittee refuses to pay for a Department-initiated modification, the RO shall contact the Permits Program Manager for approval to pay for the Public Notice and notify OECA that the permittee is not following modification procedures.

SECTION IV MODIFICATION PROCEDURES

7. Public Notice (cont.)

- b. Promptly after completion of the permittee review, every applicable modification request shall be given public notice by publication once a week for two consecutive weeks, exactly 7 days apart, in a newspaper of general circulation in the county, city, or town in which the discharge is located. Contact OPA for information concerning acceptable newspapers.
- c. Each RO will maintain its own public notice numbering system. The first public notice in each Region was numbered VA-RO M/I 00001. The number is increased by one for each public notice.
- d. The Department shall allow a period of 30 days following the date of the initial public notice publication during which time interested persons may submit their written comments (i.e. if the initial PN appears in Wednesday's newspaper, Thursday will be the first day of the 30-day comment period). The RO shall attempt to resolve the comments during the comment period. All written comments submitted during the 30-day comment period will be retained and considered by the Department. The RO will defer further processing actions until completion of public notice procedures.
- e. See Section IV A.7. for exceptions to public notice.

8. Optional Public Notice Procedures

- a. When using the optional procedure, send the transmittal letter, draft modified permit, actual public notice and the public notice verification form to the owner. In the transmittal letter, instruct the owner to review the draft modified permit and then publish the public notice in a newspaper designated by the permit writer. Have the owner send verification of the publication to the RO. Tell the owner all of this is to be completed within 35 days of the transmittal letter date. If verification is not received in 35 days, stop permit processing and return the application to the owner.
- b. If people make comments or requests for information after the mailing list is sent, but prior to the public notice appearing in the newspaper, tell them the information will be sent following the notice in the newspaper.

9. Notification of Interested Parties

- a. Transmit a copy of the public notice to OWRM-Mailing List at the same time the public notice is submitted to the newspaper. OWRM shall notify interested parties of the proposed permit modification, via the mailing list, and provide them the opportunity to comment in accordance with the Permit Regulation.

SECTION IV MODIFICATION PROCEDURES

9. Notification of Interested Parties (cont.)

When using the optional PN procedure, transmit a copy of the Public Notice to OWRM-Mailing List at the same time the Public Notice package is sent to the owner.

- b. At the end of public notice period, the RO will notify those individuals who commented during the public notice period about the disposition of their inquiries.

10. Corps of Engineers Review

- a. Transmit a copy of the modified FS/SOB and draft modified permit, at the time of issuance of the public notice, to the District Engineer of the COE.

When using the optional PN procedure, transmit a copy of the FS/SOB and draft modified permit to COE at the same time the Public Notice package is sent to the owner.

- b. If the COE advises the RO in writing, during the 30-day comment period, that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of a modification to an existing permit, the request for modification shall be denied and the owner so notified.
- c. If the District Engineer advises the RO that imposing specified conditions upon the permittee is necessary to avoid any substantial impairment of anchorage or navigation, the permit writer shall include the conditions specified by the District Engineer. Any objection or redress by the permittee shall be made through the applicable procedures of the COE.

11. Adjacent States Review

- a. When the public notice is issued, send the draft modified permit and the modified fact sheet to states whose waters may be affected by the permit. See Appendix III for a copy of the Transmittal Letter to Adjacent States and Adjacent State Agency Addresses.
- b. Each state has 30 days to submit comments.
- c. If an RO does not incorporate the recommendations of an affected state, the affected state and the EPA Regional Administrator Region III shall be provided a written explanation of the reasons for not incorporating such recommendations. This letter will be provided on all permits before modification.
- d. The Adjacent State Review may be accomplished concurrently with the public notice comment period.

SECTION IV MODIFICATION PROCEDURES

12. Other Agencies' Review

Send the draft modified permit and fact sheet to any other appropriate government agency when the modification involves something other than a minor modification.

- a. For proposed modifications into trout waters (Class V & VI), send the fact sheet and draft modified permit to the DGIF.
- b. When the modification involves expansion of a plant discharging into tidal waters, send the draft modified permit and fact sheet to VIMS at the issuance of public notice (NRO, PRO, and TRO only).
- c. The U.S. Fish and Wildlife Service, the National Marine Fisheries Service (NMFS) or any other Federal or State Agency with jurisdiction over fish, wildlife, or public health may advise the RO in writing, during the 30-day comment period, that special conditions need to be imposed upon the permit to avoid substantial risk to public health, or impairment of fish and/or wildlife resources. The permit writer may include these special conditions in the permit if they are necessary to carry out the provisions of the Law or the Act.

13. Public Hearing

- a. In accordance with the Permit Regulation, the Hearing Procedures (see Appendix III, Hearing Procedures), and Procedural Rule No. 1, action relative to a discharge proposal shall generally be delayed and a public hearing held when the following exist:
 - (1) There is significant public interest in the issuance, reissuance, denial, major modification or termination of the permit in question, and
 - (2) There are substantial, disputed issues relevant to the issuance, reissuance, denial, modification or termination of the permit in question, and
 - (3) The action requested is not consistent with, or in violation of, the SWCL, federal law or any regulation promulgated thereunder; or
 - (4) That a public hearing is required by statute.
- b. The Regional Director is responsible for tracking the public hearing request and shall immediately contact OWRM and OPA of all public hearing requests (by telephone or PROFS). The Regional Director shall insure that OWRM, OPA, OERS, OEA, and OECA have copies of the letters requesting the public hearing.

SECTION IV MODIFICATION PROCEDURES

13. Public Hearing (cont.)

- c. The RO shall attempt to resolve all requests for hearings in writing prior to submitting the final package with recommendations to OWRM. This should occur within the 30-day comment period.
- d. The staff shall respond to the persons requesting the hearing within 30 days after the public notice expires, either to grant or deny a hearing. The response letter is to be signed by the Regional Director. The response letter and the authorization memorandum to the Director, Water Division for approval or denial shall be prepared by the RO and transmitted through OWRM for concurrence. When a public hearing is requested, the permit shall not be issued until after the Director has made a decision on holding a public hearing.

When a public hearing is approved, OPA will make public notice of the hearing, and copy the RO and OWRM. OPA will hold the hearing.

- e. Once a hearing is scheduled by OPA, the RO is responsible for preparing and making the staff presentation. The RO is also responsible for developing findings of fact, conclusions of law and recommendations. These must be approved by OWRM, OPA and the AG's Office.
- f. Where toxics or standards are involved, it is OWRM-TMP's or OERS' responsibility to defend those portions of the permit during the hearing and assist in developing any findings of fact, conclusions of law and recommendations which pertain to OWRM-TMP or OERS.
- g. Additional public comment may be required if, as a result of a hearing, a permit is revised to contain limitations or conditions different from those in the noticed modified permit and the Department feels the public should have the opportunity to comment on the revisions.

14. Request Modified DMR

Request a computer printed DMR from DIS using a "Routing and Transmittal Slip" attached to a blank FIF, with the permit number typed in, and an example DMR. Make all requests before the noon Friday deadline. DIS will mail the original and two copies of the DMR to the RO the following Wednesday.

15. Process the Final Modified Permit Package (Delegated)

At the close of the public notice period, or upon completion of the public hearing, if one occurred, compile and forward the Approval Memorandum Package for review and signatures.

SECTION IV MODIFICATION PROCEDURES

15. Process the Final Modified Permit Package (Delegated) (cont).

- a. Prepare an approval memorandum; it shall be from the Regional Water Resources Manager. The approval line on the memorandum is to be titled "Director", however it will be signed by the Regional Director. See Appendix IV, Modification Format for Approval Memorandum.
- b. The letter transmitting the final permit to the owner shall be from the Regional Water Resources Manager. See Appendix IV, Modification Transmittal Letter to owner.
- c. The modified permit's signature line will be titled "Director, Department of Environmental Quality" and will be signed by the Regional Director for the Director.
- d. The **exception** to this policy is when a permit receives a public hearing. In this case the Director shall sign the approval memorandum and the permit. The permit will be processed as a non-delegated permit.
 - (1) The final permit package should be arranged so that the Director's approval memorandum is first, followed by the transmittal letter, and the modified permit.
 - (2) When the permit is to be signed by the Director (when a public hearing has been conducted) attach a red paper clip where the Director's signature is required.
 - (3) For permits that received a public hearing, staple the Routing and Transmittal Slip on the outside of the blue folder and transmit to OWRM.
- e. A concurrence sheet is required. It shall be signed by the appropriate persons including the Water Resources Development Division representative, Regulatory Services Supervisor, and the Water Resources Manager.

16. Copy Final Modified Permit

Copy and distribute the permit package as follows:

- a. Owner by CERTIFIED MAIL
 - (1) Original transmittal letter
 - (2) Original permit with top copy of DMR
 - (3) Copy of the Director Approval Memorandum

SECTION IV MODIFICATION PROCEDURES

16. Copy Final Modified Permit (cont.)

- b. OWRM-Permits**
 - (1) transmittal letter
 - (2) permit with copy of DMR
 - (3) Director Approval Memorandum
 - (4) application
- c. EPA**
 - (1) transmittal letter
 - (2) permit
 - (3) Third copy of DMR
 - (4) Director Approval Memorandum
 - (5) fact sheet/SOB
 - (6) application
- d. VDH (Municipal or Industrial with \geq 10% municipal waste)**
 - (1) 1 copy to VDH-HQ and 1 copy to the VDH-RO of the entire permit package
- e. RO**
 - (1) Entire permit package (w/ original Approval Memo)
 - (2) Second copy of DMR

17. Send FIF to DIS

Complete the FIF with the new issuance and expiration dates and send it to DIS. See Appendix II, Facility Information Form (FIF).

SECTION IV MODIFICATION PROCEDURES

IV D. Modification of Permits For Single Family Homes

1. Process SFH Modifications

These permits shall be processed by following the procedures for a delegated permit.

2. Waived Requirements

An SOB is not required for a SFH except when the permit has received a public hearing.

3. Change of Ownership

- a.** The current owner notifies the RO of the proposed change in ownership. The RO receives a Change of Ownership Agreement Form from both the current and new owners. Examples of the current and new owner Change of Ownership forms are in Appendix IV.
- b.** Once the Change of Ownership Agreement forms have been received, the RO shall process the draft modified permit specified for delegated permit modifications, paragraphs C.3 through C.17 of this section.

SECTION V
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

V B. Termination of Permits

Permits may be terminated either at the request of an interested person, the permittee or upon staff initiative.

1. Causes for Permit Termination

During the effective period of the permit, any one of several circumstances could occur to make termination of the permit necessary:

- a. The permittee has violated any regulation or order of the State Water Control Board, any condition of a permit, any provision of the Law, or any order of the court where such violation results in a release of harmful substance into the environment or presents a hazard to human health or the violation is representative of a pattern of serious or repeated violations which in the opinion of the Board, demonstrates the permittee's disregard for or inability to comply with applicable laws, regulations or requirements.
- b. The permittee has failed to fully disclose all relevant material facts, or has misrepresented a material fact in applying for a permit, or in any other report or document required under the Law or under the Permit Regulations.
- c. The activity for which the permit was issued endangers human health or the environment and can be regulated to acceptable levels by modification or termination of the permit.
- d. There exists a material change in the basis on which the permit was issued that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit necessary to protect human health or the environment (ie. plant closure or discharge connected to POTW).

2. Initiation of Termination Procedures

Terminations may be proposed by interested parties and/or initiated by the RO in accordance with SWCL and the Permit Regulation.

- a. In those instances in which a Permit is within six (6) months of its expiration date and the owner ceases operations or has attained no-discharge, it is more expedient to simply allow the permit to expire.
 - (1) The RO shall notify OWRM of all permits which will expire and are not to be reissued.
 - (2) The RO shall submit the FIF to DIS once the permit has expired.

SECTION V
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

2. Initiation of Termination Procedures (cont.)

- b. When a six month or longer period is involved, the owner should submit written notice to the RO advising of time and reason for the discontinuation of the discharge.

3. Notification of Owner - Hearing Procedures

- a. For those terminations that are proposed by interested parties, they will be notified as to whether or not their proposal has been accepted and is being acted upon by the RO.
- b. For the termination decision made by the Board, notify the permittee of the proposed termination and advise him of his right to a hearing.
- c. If or when the permittee initiates or is in agreement with the proposed permit termination and does not desire the hearing allowed him under the Permit Regulation and Section 62.1-44.15(5) of the State Water Control Law:

- (1) He shall sign and submit to the RO a termination agreement form within 14 days of receipt of the termination notice. See Appendix V for a copy of the Termination Letter and Agreement Form.
- (2) Once the owner returns the signed termination agreement form, the RO shall forward to OWRM a copy of the waiver form along with a memo asking that the subject facility be placed before the Board for termination and the reason for termination. Identify the reason as one of the four causes listed under paragraph B.1. of this Section.

OWRM shall prepare a Letter Ballot to send to the Board Members for approval.

- d. If the permittee fails to sign the termination agreement within the allotted 14-day review period, he shall be contacted without delay and a meeting arranged to discuss the permittee's objections to the proposed termination.
- e. Failure of the RO and the permittee to reach a mutual agreement shall require that a Director memorandum from the Regional Director be prepared. The memorandum should provide a brief summary of the situation and recommend that a public hearing be held. See Appendix V, Memorandum for Recommending a Public Hearing (Termination).

SECTION V
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

4. Public Notice

If the termination agreement form is not signed, public notice and hearing are necessary.

5. Hearing

The RO shall follow procedures for public hearing described in Appendix III, Hearing Procedures. If the Director approves the recommendation that a hearing be held by signing the memorandum, OPA will make all the necessary arrangements. This includes the 30-day notice to the permittee and conducting the hearing.

6. Termination Notification

- a. If the termination is approved by the Board, OWRM shall notify the owner of the permit termination and provide a copy of this notice to the RO.
- b. The RO shall notify DIS of the facility's change in status via the FIF for delegated permits, OWRM shall submit the FIF for non-delegated permits.
- c. The termination of operations should be conducted in accordance with guidance in the Sewerage Regulations. This may require a close out plan and site inspection.

SECTION V
REVOCATION & REISSUANCE and TERMINATION PROCEDURES

V C. Denials of Requests

1. Prepare Response Letter

Denials of requests for revocation and reissuance or termination require the RO to prepare a letter response to the requestor giving reasons for the denial. The Regional Director will sign the letter.

For non-delegated permits OWRM concurrence shall be obtained prior to the Regional Director signing the letter.

2. Appeals

Denials may be appealed to the Director by a letter, briefly setting forth the relevant facts.

3. Public Notice

Denials of requests for revocation and reissuance or termination are not subject to public notice, comment or hearings.

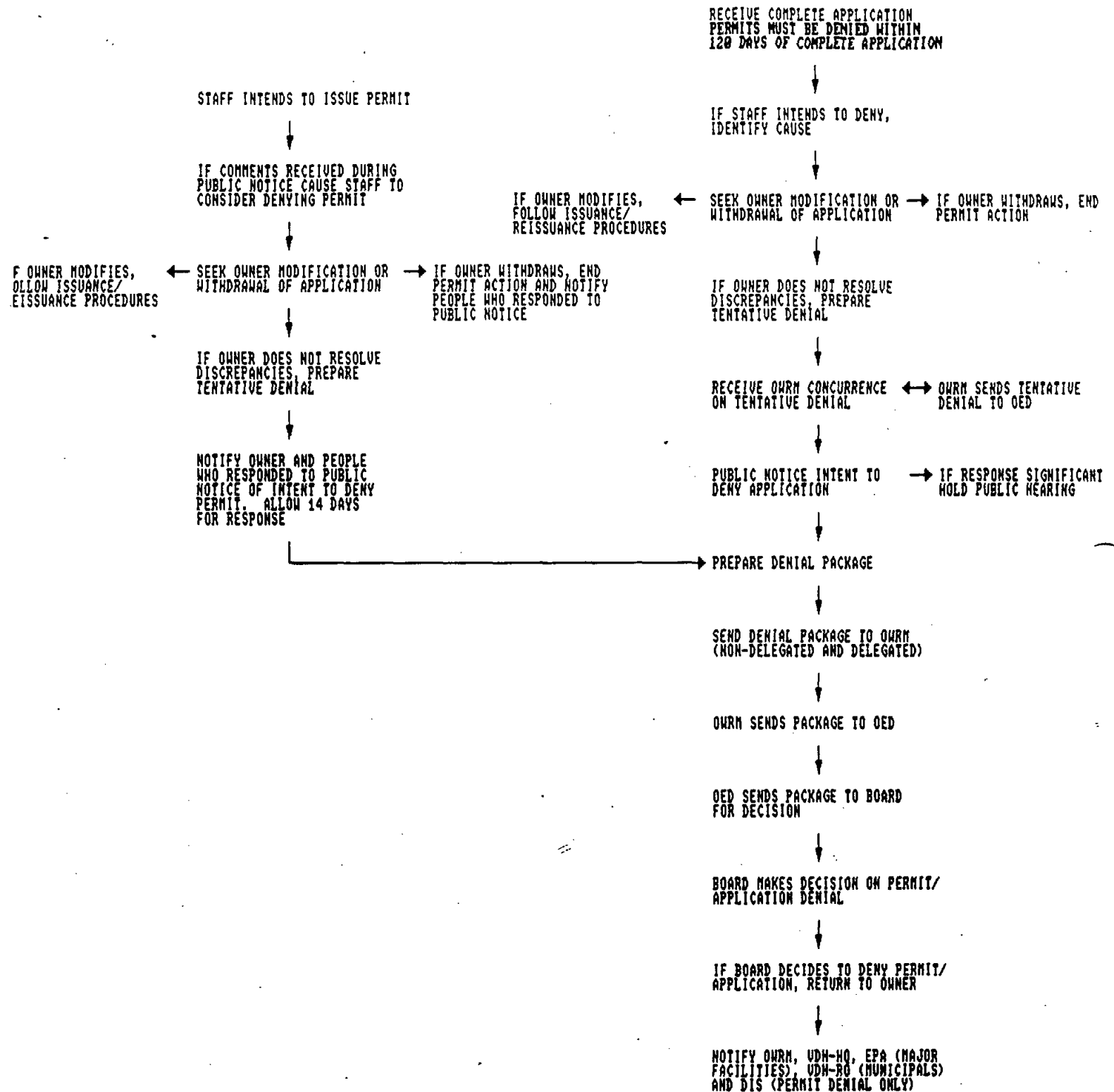
SECTION VI DENIAL PROCEDURES

Table of Contents

Flow Chart Application Denial	VI-ii
A. Initiation of Denial Procedures	VI-1
1. Receive Application	VI-1
B. Processing the Application Denial	VI-1
1. Prepare the Tentative Denial	VI-1
2. OWRM Concurrence	VI-1
3. Public Notice	VI-2
4. Public Notice Leading to Denial	VI-2
5. Public Hearing	VI-2
6. Prepare the Denial Package	VI-3
7. Process the Denial Package	VI-3
8. Applicant Petition Procedures	VI-3

SECTION VI DENIAL PROCEDURES

APPLICATION DENIAL



SECTION VI DENIAL PROCEDURES

VI A. Initiation of Denial Procedures

1. **Receive Application**

If, during the review process, the RO identifies a cause for denying the application, the RO shall advise the owner of the tentative decision to deny and list the requirements necessary to obtain approval. At this point, the applicant may either withdraw or modify his application. This notification may be done along with a routine deficiency notification but the issues associated with the cause for denial must be clearly stated and separated from the deficiencies not associated with the tentative decision to deny. An example letter of Intent to Deny is in Appendix V.

- a. The applicant must notify the RO of his intent to modify or withdraw the application within 14 days of receipt of the Letter of Intent to Deny.
- b. If the owner withdraws the application, stop permit processing. The owner must sign and return the Application Withdrawal form in Appendix V.
- c. If the owner modifies the application so that the causes for the tentative decision to deny no longer exist, then the application should be processed according to the procedures outlined in Sections II and III.
- d. If the applicant resubmits the application but fails or refuses to correct the causes for the tentative decision to deny, the permit may be denied and enforcement action taken, if appropriate

VI B. Processing the Application Denial

1. **Prepare the Tentative Denial**

A draft notice of intent to deny is equivalent to a draft permit package. There is no Fact Sheet or Statement of Basis associated with the Tentative Denial. The Tentative Denial is identical to the public notice for an issuance except that it says the Board does not intend to issue the permit to the applicant. The Tentative Denial must clearly list the reason(s) for the denial.

2. **OWRM Concurrence**

The RO must send the Tentative Denial to OWRM for concurrence.

- a. OWRM shall have 14 days to review the Tentative Denial.
- b. OWRM will review the Tentative Denial and, upon concurrence, forward the package to the Director's office.
- c. Prior to public notice, the Tentative Denial shall receive Director concurrence.

SECTION VI DENIAL PROCEDURES

3. Public Notice

- a. If the owner refuses to withdraw or modify the application, forward the tentative denial to public notice by normal public notice procedures, except that the Board will pay the cost of publishing the notice. See Section III B.11. for the specific steps for the public notice procedure.
- b. If a significant response to the proposed denial is received during the 30-day comment period, the RO can recommend a public hearing be held. The Director makes the decision on whether to hold a public hearing.
- c. If a public hearing is denied and no comments received during public notice caused the Board to reconsider the intent to deny, prepare the Denial Package at the end of the public notice period.

4. Public Notice Leading to Denial

If the RO recommended the issuance of a permit, and significant comments received during public notice or at a public hearing resulted in a changed recommendation for permit denial:

- a. Notify the applicant of the intent to deny the application. The applicant can at this point choose to withdraw or modify the application.
- b. Notify all people who commented on the issuance during public notice or at the public hearing of the intent to deny the application. In this situation, the intent to deny will not be public noticed if the applicant does not modify or withdraw the application.
- c. The applicant will have 14 days to respond to the notice of Intent to Deny. If the applicant does not respond in the 14-day period, prepare the Denial Package.
- d. If the applicant modifies his application to resolve the causes for denial, follow the Issuance procedures described in Section III.

5. Public Hearing

If a public hearing is approved, OPA will advertise the public hearing and receive comments on the proposed denial. OPA will notify all people who commented during public notice. Comments from the hearing will be presented to the Board for consideration. For an explanation and description of the Hearing Procedures, see Appendix III.

SECTION VI DENIAL PROCEDURES

6. Prepare the Denial Package

If the owner neither modifies nor withdraws his application, draft a denial memorandum to the Director recommending denial of the permit. For an example of the Application Denial Approval Memorandum, see Appendix V.

The Denial Package shall contain the following:

- a. Memorandum recommending permit denial.
- b. Copy of responses to the public notice.
- c. Sample letter to responders from RO Director.
- d. Application (and permit package if the denial follows a public notice of intent to issue).
- e. Comments from public hearing (if one was held).

7. Process the Denial Package

- a. Upon completion of the Denial Package, send the package to OWRM.
- b. OWRM sends the package to the Director's office for scheduling on the Board meeting agenda.
- c. If the Board agrees to deny the application/permit, the Director's office will return the package to the RO.
- d. The RO shall return the package to the applicant with a copy of the minute from the Board meeting relating to the denial.
- e. The RO will also copy the minute to:
 - (1) OWRM
 - (2) EPA (for Major Facilities)
 - (3) VDH-HQ
 - (4) VDH-RO (for municipals only)
 - (5) DIS (if an FIF has been submitted)

8. Applicant Petition Procedures

If an applicant wants to appeal the Board's decision, he may petition for a separate formal hearing before the Board. The petition must be filed within thirty (30) days following the denial decision, and according to the requirements of the Board's Procedural Rule 1.

APPENDIX II -- APPLICATION PROCEDURES

II C. Application Comment Letter to Owner

AT THE RO DISCRETION MAY BE SENT CERTIFIED MAIL

(DATE)

(OWNER'S ADDRESS)

RE: Facility Name

Dear Sir:

This is to advise you that your attached application for a VPDES Permit is considered incomplete because of the following deficiencies:

- a.
- b.
- c.

You are hereby requested to make the necessary corrections and/or provide additional information within 14 days in order to eliminate the deficiencies outlined above. Processing of your VPDES Permit application will not begin until these corrections and/or additions are made and submitted to this office.

(The following paragraph is for reissuances only.)

The Department of Environmental Quality will take prompt enforcement action against unpermitted dischargers who have allowed their VPDES Permit to expire and have not filed a timely and complete application for reissuance.

If we may be of further assistance, please contact us.

Sincerely,

Regional Office

cc: DEQ, Water Division - OWRM (for non-delegated permits)
VDH - RO (for municipal only)

APPENDIX II -- APPLICATION PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.4. VPDES Permit Fact Sheet Page 1.

(PTS generated)

VPDES PERMIT PROGRAM FACT SHEET

This document gives pertinent information concerning the VPDES permit listed below. This permit is being processed as a **Major, ind./muni.** permit. The ind./muni. discharge results from: the operation of a **description of the facility.**

1. Facility Name and Address:

SIC Code:

Location:

2. Permit No. VA00000000

Expiration Date:

3. Owner Contact: Name:

Title:

Telephone No:

4. Permit Drafted By:

Date:

DEQ, Water Division Regional Office:

Reviewed By: _____

Date: _____

Date: _____

5. Receiving Waters Classification:

Receiving Stream:

Basin:

Subbasin:

Section:

Class:

Special Standards:

7-Day, 10-Year Low Flow:

MGD

1-Day, 10-Year Low Flow:

MGD

30-Day, 5-Year Low Flow:

MGD

Harmonic Mean Flow:

MGD

6. Statutory or Regulatory Basis for Special Conditions and Effluent Limitations:

() State Water Control Law

() EPA Guidelines

() Clean Water Act

() Water Quality Standards

() Permit Regulation (SWCB VPDES Reg.)

() Other (explain) _____

() EPA NPDES Regulation(Federal Register)

7. Licensed Operator Requirements:

8. Reliability Class:

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.5. VPDES Permit Fact Sheet Page 2.

9. Permit Characterization:

- | | |
|----------------------------------|---|
| <input type="checkbox"/> Private | <input type="checkbox"/> Effluent Limited * |
| <input type="checkbox"/> Federal | <input type="checkbox"/> Water Quality Limited ** |
| <input type="checkbox"/> State | <input type="checkbox"/> Toxics Management Program Required *** |
| <input type="checkbox"/> POTW | <input type="checkbox"/> Pretreatment Program Required **** |
| | <input type="checkbox"/> Possible Interstate Effect |
| | <input type="checkbox"/> Compliance Schedule Required |
| | <input type="checkbox"/> Interim Limits in Permit |
| | <input type="checkbox"/> Interim Limits in Other Document |

* EPA has established effluent guidelines for selected industries: see the list of effluent guidelines found in Permit Regulations for numbers and names. Also see the BNA book.

** See the WQ Standards for applicable standards and criteria.

*** For applicants who need a TMP when they meet any conditions as listed on Appendix II, Guidelines for Application of TMP.

**** See the Pretreatment Manual if they have industrial discharges into a municipal POTW.

10. Attach a Schematic of Wastewater Treatment System(s), and provide a general description of the production cycle(s) and activities of the facility.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.10. VPDES Permit Fact Sheet Table V

Table V

Complete this section for all permits requiring a schedule of compliance for chlorine.

SCHEDULE OF COMPLIANCE

Permit No.

- | | | |
|----|---|--|
| 1. | Select engineering firm for design (Initiate design of facilities*) | Within (30*)(60**) days after the (modification)(effective) date of the permit. |
| 2. | Submit plans to (VDH**) and DEQ, Water Division Regional Office | Within (90*)(120**) days of #1 |
| 3. | Commence Construction | Within (30*)(60**) days of approval of plans |
| 4. | Progress Report | Within 12 months of #3 and every 12 months thereafter until construction is completed. |
| 5. | Complete Construction | Within (120*)(180**) days of #3. |
| 6. | Achieve Compliance with Effluent Limitations. | 30 days after completion of construction. |

*Industrial facilities

** Municipal facilities

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.11. VPDES Permit Fact Sheet Table VI

Table VI

PERMIT PROCESSING CHANGE SHEET

1. Effluent Limits and Monitoring Schedule: (List any changes and give a brief rationale for the change).

Outfall No.	Parameter Changed	Monitoring Requirements Changed		Effluent Limits Changed		Rationale	Date and Initials
		From	To	From	To		

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.12. VPDES Permit SOB. Page 1.

(PTS generated)

VPDES PERMIT PROGRAM STATEMENT OF BASIS

This document gives pertinent information concerning the VPDES permit listed below. This permit is being processed as a Minor ind./muni. Facility permit. The process consists of: description of the facility.

1. Facility Name and Address: SIC Code:

Location:

2. Permit No. VA00000000 Expiration Date:

3. Owner Contact: Name:
Title:
Telephone No:

4. Permit Drafted By: Date:
DEQ, Water Division Regional Office:

Reviewed By: _____ Date: _____
Date: _____

5. Receiving Waters Classification:

Receiving Stream:
Basin:
Subbasin:
Section: Class:
Special Standards:
7-Day, 10-Year Low Flow: MGD
1-Day, 10-Year Low Flow: MGD
30-Day, 5-Year Low Flow: MGD
Harmonic Mean Flow: MGD

6. Statutory or Regulatory Basis for Special Conditions and Effluent Limitations:

<input type="checkbox"/> State Water Control Law	<input type="checkbox"/> EPA Guidelines
<input type="checkbox"/> Clean Water Act	<input type="checkbox"/> Water Quality Standards
<input type="checkbox"/> Permit Regulation (SWCB VPDES Reg.)	<input type="checkbox"/> Other (explain)
<input type="checkbox"/> EPA NPDES Regulation(Federal Register)	

7. Licensed Operator Requirements:

8. Reliability Class:

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.16. VPDES Permit SOB Page 2.

Bulk Oil Terminal Statement Of Basis

Permit No. VA00_____

9. Permit Characterization:

- | | |
|----------------------------------|---|
| <input type="checkbox"/> Private | <input type="checkbox"/> Toxics Management Program Required * |
| <input type="checkbox"/> Federal | <input type="checkbox"/> Possible Interstate Effect |
| <input type="checkbox"/> State | <input type="checkbox"/> Compliance Schedule Required |
| <input type="checkbox"/> POTW | <input type="checkbox"/> Interim Limits in Permit |
| | <input type="checkbox"/> Interim Limits in Other Document |

* For applicants who need a TMP when they meet any conditions as listed in Appendix II, Guidelines for Application of TMP, Fact Sheet required instead of an SOB.

10. Treatment Provided:

Permit No. VA00_____

Outfall No. _____

11. Effluent Limitations

The Department of Environmental Quality has made a Best Professional Judgement (BPJ) determination (under section 402 of the Clean Water Act) for oil terminal facilities to maintain Water Quality Standards:

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly avg.	Daily Max.	Measurement Frequency	Sample Type
Flow-(MGD)	NL	NL	1/D-M	Estimate
Oil/ Grease	30 mg/l	NA	1/D-M	Grab
TOC*	NA	110 mg/l	1/D-M	Grab
TPH, mg/l	NL	NA	1/3 M**	Grab

NL = No Limitation, monitoring only

NA = Not Applicable

* For large oil terminals

** For small facilities use 1/6 M

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.16. VPDES Permit SOB Page 3.

Bulk Oil Terminal Statement Of Basis

PERMIT NO. VA00 _____
Outfall No. _____

The pH limitations are based on the Board's Water Quality Standards and are:

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Measurement Frequency	Sample Type

pH	**	** std. units	1/Month	Grab
----	----	---------------	---------	------

** Include pH values which will maintain Water Quality Standards in the receiving stream.

12. There shall be no discharge of tank bottom waters unless appropriate facilities have been installed for handling this wastewater.

13. Special Conditions:

1. Defines the violation for oil/grease.
2. Imposes no limitation on the discharge of stormwater, but allows modification of the permit to reflect future stormwater regulations.
3. To report the sampling analysis on the DMR under monthly average.
4. The standard EPA reopener clause.
5. TPH monitoring
6. TMP if needed
7. Ground water monitoring program*

***The need for Ground Water Monitoring at jobber type oil facilities is optional and should be evaluated on a case-by-case basis.**

14. Additional Comments: _____

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.17. VPDES Permit SOB Page 2.

Car Wash Statement Of Basis

Permit No. VA00 _____

9. Permit Characterization:

- | | |
|----------------------------------|---|
| <input type="checkbox"/> Private | <input type="checkbox"/> Possible Interstate Effect |
| <input type="checkbox"/> Federal | <input type="checkbox"/> Compliance Schedule Required |
| <input type="checkbox"/> State | <input type="checkbox"/> Interim Limits in Permit |
| <input type="checkbox"/> POTW | <input type="checkbox"/> Interim Limits in Other Document |

10. Treatment Provided:

Permit No. VA00 _____

Outfall No. _____

11. Effluent Limitations

The Department of Environmental Quality has made a Best Professional Judgement (BPJ) determination (under section 402 of the Clean Water Act) for car wash establishments to maintain Water Quality Standards:

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly avg.	Daily Max.	Measurement Frequency	Sample Type
Flow-(MGD)	NL	NL	1/Month	Estimate
TSS	NA	60 mg/l	1/Month	5G/8 HC
Oil/ Grease	NA	15 mg/l	1/3 Month	Grab

NL = No Limitations, monitoring only

NA = Not Applicable

5G/8 HC--Eight Hour Composite - consisting of grab samples collected at hourly intervals until the discharge ceases or until a minimum of 5 grab samples have been collected.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.17. VPDES Permit SOB Page 3.

Car Wash Statement Of Basis

Permit No. VA00 _____
Outfall No. _____

Temperature and pH limitations are based on the Board's Water Quality Standards and are:

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Measurement Frequency	Sample Type
Temperature	NA	** °C	1/Month	Immersion Stabilization
pH	**	** std. units	1/Month	Grab

** Include pH and temperature values which will maintain Water Quality Standards in the receiving stream.

12. Special Conditions: Standard EPA reopener clause.

13. Additional Comments: _____

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.19. VPDES Permit SOB Page 2.

Coin Operated Laundries Statement Of Basis

Permit No. VA00_____

9. Permit Characterization:

- | | |
|----------------------------------|---|
| <input type="checkbox"/> Private | <input type="checkbox"/> Possible Interstate Effect |
| <input type="checkbox"/> Federal | <input type="checkbox"/> Compliance Schedule Required |
| <input type="checkbox"/> State | <input type="checkbox"/> Interim Limits in Permit |
| <input type="checkbox"/> POTW | <input type="checkbox"/> Interim Limits in Other Document |

10. Treatment Provided:

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.19. VPDES Permit SOB Page 3.

Coin Operated Laundries Statement Of Basis

Permit No. VA00 _____
Outfall No. _____

11. Effluent Limitations

The Department of Environmental Quality has made a Best Professional Judgement (BPJ) determination (under section 402 of the Clean Water Act) for coin operated laundry establishments to maintain Water Quality Standards:

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow-(MGD)	NL	NL	1/Month	Estimate
BOD ₅	NA	*60 mg/l	1/Month	Grab
TSS	NA	45 mg/l	1/Month	Grab
Fecal Coliform (PWS or Shellfish Waters)	NA	400 N/CML	1/Month	Grab
Total Residual Chlorine	*1.5 mg/l (Daily Min.)	*2.5 mg/l (PWS or Shellfish Waters)	1/Month	Grab
	*1.0 mg/l (Daily Min.)	*2.0 mg/l (other waters)	1/Month	Grab

NL = No Limitation, monitoring only

NA = Not Applicable

* Include BOD₅ and TRC values which will maintain Water Quality Standards in the receiving stream.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.20. VPDES Permit SOB Page 2.

Noncontact Cooling Water Statement Of Basis

Permit No. VA00_____

9. Permit Characterization:

- | | |
|----------------------------------|---|
| <input type="checkbox"/> Private | <input type="checkbox"/> Toxics Management Program Required * |
| <input type="checkbox"/> Federal | <input type="checkbox"/> Possible Interstate Effect |
| <input type="checkbox"/> State | <input type="checkbox"/> Compliance Schedule Required |
| <input type="checkbox"/> POTW | <input type="checkbox"/> Interim Limits in Permit |
| | <input type="checkbox"/> Interim Limits in Other Document |

* For applicants who need a TMP when they meet any conditions as listed in Appendix II, Guidelines for Application of TMP, Fact Sheet required instead of an SOB.

NOTE: If mass balance indicates an instream waste concentration $\geq 1\%$, or cooling water additives are used, then a TMP review is required. The permit writer must send the application, draft permit and a FACT SHEET to OWRM-TMP.

10. Treatment Provided:

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.20. VPDES Permit SOB Page 3.

Noncontact Cooling Water Statement Of Basis

Permit No. VA00 _____
Outfall No. _____

11. EFFLUENT LIMITATIONS

The Department of Environmental Quality has made a Best Professional Judgement (BPJ) determination (under section 402 of the Clean Water Act) for facilities that discharge noncontact cooling water to maintain Water Quality Standards:

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly avg.	Daily Max.	Measurement Frequency	Sample Type
Flow-(MGD)	NL	NL	1/Month	Estimate

NL = No Limitation, monitoring only

Temperature and pH limitations are based on the Board's Water Quality Standards and are:

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Measurement Frequency	Sample Type
pH	**	** std. units	1/Month	Grab
Temperature	NA	** °C	1/Month	Immersion Stabilization

** Include pH and temperature values which will maintain Water Quality Standards in the receiving stream.

12. Special Conditions: Standard EPA reopener clause.

13. Additional Comments: _____

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.12. VPDES Permit SOB Page 2.

Sand & Gravel Facilities Statement Of Basis

Permit No. VA00_____

9. Permit Characterization:

- | | |
|----------------------------------|---|
| <input type="checkbox"/> Private | <input type="checkbox"/> Toxics Management Program Required * |
| <input type="checkbox"/> Federal | <input type="checkbox"/> Possible Interstate Effect |
| <input type="checkbox"/> State | <input type="checkbox"/> Compliance Schedule Required |
| <input type="checkbox"/> POTW | <input type="checkbox"/> Interim Limits in Permit |
| | <input type="checkbox"/> Interim Limits in Other Document |

* For applicants who need a TMP when they meet any conditions as listed in Appendix II, Guidelines for Application of TMP, Fact Sheet required instead of an SOB.

10. Treatment Provided:

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.21. VPDES Permit SOB Page 3.

Sand & Gravel Facilities Statement Of Basis

Permit NO. VA00_____

Outfall No. _____

11. EFFLUENT LIMITATIONS Outfall No. _____

The Department of Environmental Quality has made a Best Professional Judgement (BPJ) determination (under section 402 of the Clean Water Act) for sand and gravel facilities to maintain Water Quality Standards:

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly avg.	Daily Max.	Measurement Frequency	Sample Type
Flow-(MGD)	NL	NL	1/Month	Estimate
TSS	30 mg/l	60 mg/l	1/Month	Grab

NL = No Limitation, monitoring only

The pH limitations are based on the Board's Water Quality Standards and are:

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Measurement Frequency	Sample Type
pH	**	** std. units	1/Month	Grab

** Include pH values which will maintain Water Quality Standards in the receiving stream.

12. Special Conditions: Standard EPA reopener clause, material storage clause, solids disposal plan requirement, use of flocculents requires modification.

13. Additional Comments: _____

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.23. VPDES Permit SOB Page 2.

Water Treatment Plant Statement Of Basis

Permit No. VA00_____

9. Permit Characterization:

- | | |
|----------------------------------|---|
| <input type="checkbox"/> Private | <input type="checkbox"/> Toxics Management Program Required * |
| <input type="checkbox"/> Federal | <input type="checkbox"/> Possible Interstate Effect |
| <input type="checkbox"/> State | <input type="checkbox"/> Compliance Schedule Required |
| <input type="checkbox"/> POTW | <input type="checkbox"/> Interim Limits in Permit |
| | <input type="checkbox"/> Interim Limits in Other Document |

* For applicants who need a TMP when they meet any conditions as listed in Appendix II, Guidelines for Application of TMP, Fact Sheet required instead of an SOB.

10. Treatment Provided:

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.23. VPDES Permit SOB Page 3.

Water Treatment Plant Statement Of Basis

Permit No. VA00 _____
 Outfall No. _____

11. Effluent Limitations

The Department of Environmental Quality has made a Best Professional Judgement (BPJ) determination (under section 402 of the Clean Water Act) for water treatment plants to maintain Water Quality Standards:

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly avg.	Daily Max.	Measurement Frequency	Sample Type
Flow-(MGD)	NL	NL	1/Month	Estimate
TSS	30 mg/l	60 mg/l	1/Month	5G/8 HC

NL = No Limitation, monitoring only

5G/8 HC--Eight Hour Composite - consisting of grab samples collected at hourly intervals until the discharge ceases or until a minimum of 5 grab samples have been collected.

The pH limitations are based on the Board's Water Quality Standards and are:

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Measurement Frequency	Sample Type
pH	**	** std. units	1/Month	Grab

** Include pH values which will maintain Water Quality Standards in the receiving stream.

12. Special Conditions: EPA reopener clause

13. Additional Comments: _____

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

A.25. Routing & Transmittal Slip

DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION ROUTING AND TRANSMITTAL SLIP			
PACKAGE FOR PERMIT # VA _____ for _____ Region _____			
ISS. _____ REISS. _____ REV/REISS. _____ MOD. _____ MUN. _____ IND. _____			
Contains: Application _____ Fact Sheet _____ Draft Permit _____ Final Permit _____			
NAME	INITIALS	DATE RECEIVED	DATE COMPLETE
L. Spach-Korepta			
Dale Phillips/Staff			
L. Spach-Korepta			
Toxics Program Supervisor			
L. Spach-Korepta			
OEA/Groundwater			
L. Spach-Korepta			
Dale Phillips			
L. Spach-Korepta			
Martin Ferguson			
L. Spach-Korepta			
Larry Lawson			
L. Spach-Korepta			
Director's Ofc for Signature			
L. Spach-Korepta			

* * * * IMPORTANT * * * *		
PERMIT ASSIGNMENT		
Received in HQ/OWRM		
Permit review assigned to		
Date review/comments due:		
TMP review/drafting assigned to		
Date review/drafting due		
ALL COMMENTS DUE TO DALE PHILLIPS BY:		
To be returned to RO/returned		
Process Suspended/Restarted Reason:		
Region notified via PROFS/FAX		

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III E. Transmittal Letter to EPA

(PTS generated)

Regional Letterhead

Date

Regional Administrator
U.S. Environmental Protection Agency
Region III (3WM53)
841 Chestnut Building
Philadelphia, PA 19107

RE: VPDES Permit No. VA0000000, Facility Name

Dear Sir:

In accordance with the Memorandum of Understanding regarding permit and enforcement programs between the State Water Control Board and the Regional Administrator, Region III, U.S. Environmental Protection Agency, this is to advise that the Board intends to **issue/reissue** the referenced permit. Attached are copies of the referenced fact sheet, draft permit, and other pertinent documentation. This permit will limit (**specified parameters**).

Any comments and/or objections regarding the processing of this permit shall be directed to the Virginia Department of Environmental Quality, Water Division at the following address:

Virginia DEQ, Water Division
Office of Water Resources Management
P.O. Box 11143
Richmond, VA 23230

In the event of failure to comment or object within 30 days of receipt of this notification, processing of the referenced permit will be deemed acceptable to the Regional Administrator.

Sincerely,

John Q. Writer
Permit Engineer

Enclosure

cc: OWRM

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

**III F. Transmittal Letter to COE, DGIF, F&WS,
NMFS, VIMS, & VMRC**

(PTS generated)

Regional Letterhead

Date

**Agency Head
Address of Agency**

RE: VPDES Permit No. VA0000000, Facility Name

Dear Sir:

This letter transmits a copy of the VPDES draft permit and supporting documentation for your review.

Any comments and/or objections regarding the sufficiency of this package shall be directed to the Virginia Department of Environmental Quality, Water Division at the following address:

**Virginia DEQ, Water Division
Regional Office
Address**

If no response is received within 14 days of receipt of this notification, it will be assumed that your Agency has no objections to the proposed action.

Sincerely,

**John Q. Writer
Permit Engineer**

Enclosure

cc: OWRM

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III.G. Transmittal Letter to Adjacent State

(PTS Generated)

Regional Letterhead

Date

**Agency Head
Address of State Agency**

RE: VPDES Permit No. VA0000000, Facility Name

Dear Sir:

This letter is to advise that the Virginia Water Control Board intends to modify the referenced permit. Attached is a copy of the draft permit and supporting documentation for your review.

Any comments and/or objections regarding the sufficiency of this package shall be directed to the Virginia Department of Environmental Quality, Water Division at the following address:

**Virginia DEQ, Water Division
Regional Office
Address**

If no response is received within 14 days of receipt of this notification, it will be assumed that your Agency has no objections to the proposed action.

Sincerely,

**John Q. Writer
Permit Engineer**

Enclosure

cc: OWRM

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III H. VDH - Application Transmittal Letter

(PTS generated)

Regional Letterhead

Date

VDH Regional Director
Virginia Department of Health
Division of Water Programs
Regional Office Address

RE: VPDES Permit No. VA0000000, Facility Name

Dear Sir:

This is to transmit a copy of the referenced Virginia Industrial VPDES application for your review and concurrence.

Any comments and/or objections regarding the sufficiency of the application shall be directed to the Virginia Department of Environmental Quality, Water Division at the following address:

**Virginia DEQ, Water Division
Regional Office
Address**

Please submit a letter to this office within 14 days with your comments or objections to the permit or a statement verifying that the Virginia Department of Health has no comments on the application.

Sincerely,

**John Q. Writer
Permit Engineer**

Enclosure

cc: OWRM

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III I. VDH - Permit Transmittal Letter
Municipal

(PTS generated)

Regional Letterhead

Date

VDH Regional Director
Virginia Department of Health
Division of Water Programs
Regional Office Address

RE: VPDES Permit No. VA0000000, **Facility Name**

Dear Sir:

Attached is a copy of the referenced VPDES Municipal draft permit and supporting documentation for your review and concurrence. We propose that the facility have a Reliability Class ?? and class ? licensed operator requirements. This process consists of limiting (specified parameters).

Any comments and/or objections regarding the sufficiency of this package shall be directed to the Virginia Department of Environmental Quality, Water Division at the following address:

Virginia DEQ, Water Division
Regional Office
Address

Please submit a letter to this office within 14 days with your comments or objections to the permit or a statement verifying that the Virginia Department of Health has no comments on the permit.

Sincerely,

John Q. Writer
Permit Engineer

Enclosure

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

**III I. VDH - Permit Transmittal Letter
Industrial**

(PTS generated)

Regional Letterhead

Date

VDH Regional Director
Virginia Department of Health
Division of Water Programs
Regional Office Address

RE: VPDES Permit No. VA0000000, Facility Name

Dear Sir:

Attached is a copy of the referenced VPDES Industrial draft permit and supporting documentation for your review. This permit will limit **(specified parameters)**.

Any comments and/or objections regarding the sufficiency of this package shall be directed to the Virginia Department of Environmental Quality, Water Division at the following address:

**Virginia DEQ, Water Division
Regional Office
Address**

Please submit a letter to this office within 14 days with your comments or objections to the permit or a statement verifying that the Virginia Department of Health has no comments on the permit.

Sincerely,

**John Q. Writer
Permit Engineer**

Enclosure

cc: OWRM

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III J. Draft Permit/PN letter to owner

(PTS generated)

Regional Letterhead

Date

Facility Name

Facility Address

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Attn: John Q. Contact

Re: VPDES Permit No. VA0000000

Dear Permittee:

The State Water Control Board is considering processing the above permit. Please review the enclosed public notice and draft permit package carefully.

Certain public notice procedures must be complied with before the actual permit can be approved. They are as follows:

1. The attached public notice must be published once a week for two consecutive weeks, exactly 7 days apart, in a newspaper of general local circulation. Please complete, sign, and return the attached authorization form which will allow us to mail the notice to the newspaper and permit the newspaper to bill you for the public notice.
2. A minimum of 30 days will be allowed for public response following the date of the first public notice. If no public response is received, or the public response can be satisfactorily answered, then the permit will be processed. However, if there is significant public response, then we may hold a public hearing. You will be advised should this occur.

Please return the Public Notice Authorization immediately so that we can continue processing your permit. If you have any questions or comments on the draft permit or public notice requirements, please contact me within 14 days. If you have not submitted the authorization form within 14 days, permit processing will cease, your application will be returned as incomplete, and returned to you.

Sincerely,

John Q. Writer
Permit Engineer

Enc.

cc: OWRM (non-delegated)

Iss. 2/91

VPDES Permit Manual
- III-A81 -

Rev. 7/93
OWRM Guid. 93-020

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III K. Public Notice
Authorization Form

(PTS generated)

PUBLIC NOTICE AUTHORIZATION FORM
AUTHORIZATION FOR PUBLIC NOTICE BILLING TO
VPDES PERMIT APPLICANT

I hereby authorize the Department of Environmental Quality, Water
Division to have the cost of publishing a public notice once a week
for two consecutive weeks, seven days apart, in the:

(Insert Newspaper Name here)

charged to:

Agent or department to be billed: _____

Applicant's Address: _____

Authorizing Agent:

Signature

Permit No. VA0000000
Attn: John Q. Writer
cc: OWRM

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III L. Public Notice Format

(PTS generated)

PUBLIC NOTICE

**ISSUANCE/REISSUANCE OF A VPDES PERMIT TO DISCHARGE
TO STATE WATERS AND STATE CERTIFICATION UNDER
THE STATE WATER CONTROL LAW**

Public Notice No.: VA-Regional Office Number

First Public Notice Issue Date: (to be supplied by newspaper)

**The State Water Control Board has under consideration issuance/
reissuance of the following Permit and State Certificate:**

Permit No.: VA00000000

Name of Permittee: Owner's Name

Facility Name: Facility Name

Facility Location:

Permittee Address:

Flow: 0.0 MGD

Receiving Stream: Receiving Waters Name

Basin:

Subbasin:

Section: Class:

Special Standards:

**Discharge: Existing Municipal/Industrial Discharge resulting from the
operation of some kind of plant.**

**The proposed issuance/reissuance consists of:
limiting parameters listed in the permit.**

This proposed issuance/reissuance is tentative.

**On the basis of preliminary review and application of lawful standards
and regulations, the State Water Control Board proposes to issue/reissue
the permit subject to certain conditions.**

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III L. Public Notice Format (cont.)

(PTS generated)

(Public Notice Continued - Page 2)
(Permit No. VA00000000)

Persons may comment in writing to the Department of Environmental Quality, Water Division on the proposed **issuance/reissuance** of the permit within 30 days from the date of the first notice. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered. The Director of the Department of Environmental Quality may decide to hold a public hearing if public response is significant.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting **John Q. Writer** at:

Virginia DEQ, Water Division
Regional Office
Address

Telephone No. (000) 000-0000

Following the comment period, the Director will make a determination regarding the proposed **issuance/reissuance**. This determination will become effective, unless the Director grants a public hearing. Due notice of any public hearing will be given.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III M. Transmittal Letter to Newspaper

(PTS generated)

Regional Letterhead

Date

**Newspaper Name
Address**

**RE: VPDES Permit No. VA0000000, VPDES Permit Issuance/Reissuance
Facility Name**

Gentlemen:

Please publish the attached public notice in the earliest possible edition of your paper once a week for two consecutive weeks, seven days apart. (Please publish it in the legal section in the smallest print possible). Please add the public notice issue date to the public notice. Upon completion of the advertising, please forward the bill for your services to:

**Facility Name
Address**

Also, please complete and return to this office the attached sheet certifying that the public notice has been published as requested.

Sincerely,

**John Q. Writer
Permit Engineer**

Enclosure

**cc: OWRM - Mailing List
Facility**

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III N. Public Notice
Verification Sheet

(PTS generated)

PUBLIC NOTICE VERIFICATION SHEET

PASTE PRINTED COPY OF NOTICE IN THIS SPACE

I hereby certify that the notice attached in the space above appeared in the **(Insert Newspaper Name)** once weekly for two consecutive weeks, seven days apart, on these dates:

_____ 19 ____

_____ 19 ____

(Signature)

(Title)

_____ 19 ____
(Date)

Permit No. VA00000000
Attn: John Q. Writer

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III O. Draft Permit/ Optional PN Ltr. to Owner

(PTS generated)

Regional Letterhead

Date

Facility Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ATTN: John Contact

RE: VPDES Permit No. VA0000000, VPDES Permit Issuance/Reissuance
Facility Name

Dear Permittee:

This is to advise you that the State Water Control Board is considering the referenced permit action. In order for us to continue processing your permit, there are three things that you should do and these are presented in the following paragraphs:

1. Review the attached public notice and draft permit package carefully. If you have any questions, comments, or objections concerning the draft permit or public notice, please contact this office within the next 14 days. If you agree to accept the draft permit and all the conditions contained therein, then you should proceed to the next paragraph.
2. Publish a notice in the (Insert Newspaper Name) as soon as possible. This notice must be published once a week for two consecutive weeks, seven days apart. Following the first public notice appearance in the newspaper, a minimum of 30 days will be allowed for the public to comment. If no public response is received, or if the public response received can be satisfactorily answered, then the permit will be issued. However, if there is significant public interest, then it may be necessary to initiate public hearing procedures. If a public hearing is necessary, you will be so advised.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

III O. Draft Permit/ Optional PN Ltr. to Owner
(cont.)

(PTS generated)

Permit No. VA00000000

Facility Name

Date

Page 2

3. Provide us with proof that the notice has been published in the newspaper. Proof of publication shall consist of one of the following:

- The attached public notice verification sheet completed and signed by the newspaper, or
- The actual copies of pages from the newspaper showing the notice and the date of the newspaper.

We are required by the State Water Control Law to process this permit within a certain time, therefore, we must limit you to 35 days to complete the above steps. If you have not completed all the above steps by _____, permit processing will cease, your application will be considered as incomplete and returned to you.

Sincerely,

John Q. Writer
Permit Engineer

Enclosure

cc: OWRM - Mailing List

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX B - NOTICE CONTENT FORMAT

The State Water Control Board will hold a public hearing to receive comments on the proposed (type of action) for (name of facility), (facility mailing address). The purpose of the hearing is to receive comments on the (proposed action).

(Name of facility) is a (type of operation) with (an existing or a proposed) discharge from its (type of discharge) to (receiving stream). The facility is located at (location of facility).

Public Notice No. (number) for the proposed (type of action) was published in the (name of papers) on (dates). Some individuals who responded to the public notice expressed concern over the (statement of concern).

The hearing will be held in the (location) on (date) at (time). This informal, fact-finding proceeding is being held pursuant to Section 9-6.14:11 of the Code of Virginia, (list section of State Water Control Law, Agency regulation and/or procedure).

Anyone wishing to speak at the hearing may do so, subject to any limitations imposed by the hearing officer. Anyone wishing to submit written comments for the record may do so at the hearing, or by mail so they are received by (give time and date for closing record), at which time the record will close. Written comments should include the name, address, and telephone number of the presenter and contain a complete, concise statement of the factual basis for the comments. The comments should be addressed to (give name of Hearing Reporter), Department of Environmental Quality, Office of Policy Analysis, P.O. Box 11143, Richmond, Virginia 23230.

More specific information on the proposed (type of action) including a fact sheet, draft permit and other documents, are available by contacting (give name of supervisor, grade 13 or above) at the Department of Environmental Quality, Water Division's (give office name, location and phone number).

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX B - NOTICE CONTENT EXAMPLE

The State Water Control Board will hold a public hearing to receive comments on the proposed issuance of a Virginia Pollutant Discharge Elimination System (VPDES) permit for Lake Charles on the James, Inc., William W. Johnson, President, 3951-C Stillman Parkway, Glen Allen, Virginia 23060. The purpose of the hearing is to receive comments on the proposed permit, the issuance or denial of the permit, and the effect of the discharge on water quality or beneficial uses of State waters.

The proposed facility would be located on the south side of State Route 5, approximately 1 mile east of Route 659 in Charles City County. Lake Charles on the James, Inc. is a proposed sewage treatment plant which would discharge municipal sewage to the James River.

Public Notice No. VA-PRO-M-0853 for the proposed permit was published in the Richmond Times Dispatch on April 16 and 23, 1988. Some individuals who responded to the public notice expressed concern over public health impacts, chlorine toxicity, the effectiveness of "package" plants, compliance monitoring, and water quality modeling.

The hearing will be held at 7:00 p.m. on Tuesday, August 30, 1989, in the Neighborhood Facility Building, County Courthouse Complex, Route 5, Charles City, Virginia. This informal, fact-finding proceeding is being held pursuant to Section 9-6.14:11 of the Code of Virginia, Section 3.6 of VR 680-14-01 (Permit Regulation), and the Board's Procedural Rule No. 1.

Anyone wishing to speak at the hearing may do so, subject to any limitations imposed by the hearing officer. Anyone wishing to submit written comments for the record may do so at the hearing, or by mail so they are received by 4:00 p.m. on Friday, September 9, 1988, at which time the record will close. Written comments should include the name, address and telephone number of the presenter and contain a complete, concise statement of the factual basis for the comments. The comments should be addressed to Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, P.O. Box 11143, Richmond, Virginia 23230.

More specific information on the proposed permit including a fact sheet, draft permit and other documents are available by contacting J. R. Bell, Regulatory Services Supervisor, of the Board's Piedmont Regional Office, 2201 West Broad Street, Richmond, Virginia 23220, (804) 367-1006.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.1. Routing and Transmittal Slip

DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION ROUTING AND TRANSMITTAL SLIP			
PACKAGE FOR PERMIT # VA _____ for _____ Region _____			
ISS. ____ REISS. ____ REV/REISS. ____ MOD. ____ MUN. ____ IND. ____			
Contains: Application Fact Sheet Draft Permit Final Permit			
NAME	INITIALS	DATE RECEIVED	DATE COMPLETE
L. Spach-Korepta			
Dale Phillips/Staff			
L. Spach-Korepta			
Toxics Program Supervisor			
L. Spach-Korepta			
OEA/Groundwater			
L. Spach-Korepta			
Dale Phillips			
L. Spach-Korepta			
Martin Ferguson			
L. Spach-Korepta			
Larry Lawson			
L. Spach-Korepta			
Director's Ofc for Signature			
L. Spach-Korepta			

* * * * * IMPORTANT * * * * *		
PERMIT ASSIGNMENT		
Received in HQ/OWRM		
Permit review assigned to		
Date review/comments due:		
TMP review/drafting assigned to		
Date review/drafting due		
ALL COMMENTS DUE TO DALE PHILLIPS BY:		
To be returned to RO/returned		
Process Suspended/Restarted Reason:		
Region notified via PROFS/FAX		

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.2. Approval Memorandum Non-delegated Permit Format

SUBJECT: Issuance/Reissuance of (VPDES Permit Number, Facility Name, and Location)
TO: Director
FROM: OWRM Permits Program Manager (non-delegated permit)
DATE: (Date Signed)
COPIES: RO

Legal Name of Owner: (Obtain from Application)
Application Submitted By: (Name of who submitted)
Application Date: Initial application received on _____
(optional-supplemental dates). Date of complete application _____.
Type of Discharge: Existing (Industrial/ Municipal-Sewage) Discharge or Proposed (Industrial/ Municipal-Sewage) Discharge
Manufacturing Operation*: (Brief Description of Manufacturing Operation)
(SIC Code)
Example: The industry is involved in the manufacture of paper chairs utilizing as raw materials tooth picks and recycled paper. Wastewaters originate from the pulverizing, de-inking and cleaning operations.

*Industry only - omit for municipal dischargers.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.2. Approval Memorandum (cont.)

Wastewater Treatment
Facilities:

(Brief Description of Treatment facilities)

Receiving Stream:

Stream:, Basin:, Subbasin: (if no subbasin N/A), Section:, Class:, Special Standard(s):

Public Notice:

The application and draft permit have received public notice in accordance with the Permit Regulation and responses to the public notice indicated that the discharge (is or is not) controversial. Owner's objections shall be considered as controversial.

(Provide detailed description of controversy. Also, provide the public hearing date and reference the background memorandum).

OR

The staff believes the discharge is controversial, however, the staff addressed all comments satisfactorily and does not believe a public hearing is necessary. (Provide how the controversy was addressed.)

OR

The application and draft permit have received public notice in accordance with the Permit Regulation and no comments were received.

Planning:

The discharge is in conformance with the existing planning documents for the area.

OR

The discharge is not addressed in any planning document but will be included when the plan is updated.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.2. Approval Memorandum (cont.)

EPA Comments:

EPA has waived the right to comment and/or object to the adequacy of the draft permit (Date of letter) or (via Memorandum of Understanding).

OR

EPA has no objections to the adequacy of the draft permit.

OR

State EPA comments and/or objections, if applicable, and how resolved.

COE Comments:

State COE comments and/or objections, if there were no comments, state no comments received.

VDH Comments:

If no comments received, state no comments received.

Comments of Adjacent States:
(Include only if Applicable)

Applicable only for states bordering Virginia which are affected by the discharge.

Previous Board Action:

Summarize all previous Board actions affecting the discharge. (If none, state none.) (Only those actions taken by the 7 member Board should be included here.)

Staff Comments:

The discharge (is or is not) controversial (use for reissuance) and is currently (meeting or not meeting) the required effluent limitations.

Explanation for delays in issuance/reissuance.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.2. Approval Memorandum (cont.)

Staff Comments (Cont.):

Additional comments including previous permit actions (issuance, reissuance, or modification).

The staff believes that the (attached effluent or future effluent) limitations will maintain the Water Quality Standards adopted by the Board.

If applicable, explain compliance status and reasons for short term permit.

Basis for Effluent Limits:

(Promulgated guidelines, technology, Water Quality Standards, BPJ, etc.)

Licensed Operator Requirements:

(The staff believes that a class _____ operator is required) or (a licensed operator is not required).

STAFF RECOMMENDATIONS:

The staff recommends that the Director:

1. Approve the attached effluent limitations and monitoring requirements.
2. (Issue/Reissue) VPDES Permit No. _____ ((for a term of _____ years) (use for short term permits only)).
3. Approve the discharge proposal as being subject to the requirements of a Reliability Class _____ facility (municipal only).
4. Approve the conceptual design of the wastewater treatment facility (where conceptual designs are being approved simultaneously with the permit) (Industrial issuance only).
5. Approve the exception to the Chlorine Standard (when the permit contains an exception to the standard).

APPROVED: _____
Director

DATE: _____

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

**R.3. Transmittal Letter
Non-delegated Permit**

(PTS generated)

Headquarters DEQ Letterhead

Date

**Facility Name
Address**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

ATTN: John Contact

**RE: VPDES Permit No. VA0000000, VPDES Permit Issuance/Reissuance
Facility Name**

Dear Permittee:

The Director has approved the enclosed effluent limitations and monitoring requirements for the above referenced permit. This approval is in accordance with the enclosed memorandum.

Your permit is also enclosed. In accordance with the permit, you are required to submit monitoring reports to:

**Virginia DEQ, Water Division
Regional Office
Address**

The reporting form is included with the permit. You will be responsible for obtaining additional copies of the reporting (DMR) form. The first DMR for the month ending **Month** is due by **Date**.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.3. Transmittal Letter (cont.)
Non-delegated Permit

(PTS generated)

Permit No. VA00000000
Facility Name
Date
Page 2

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in § 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

A Reliability Class **xx** is assigned to this facility and this facility has Class **xx** licensed operator requirements (or no licensed operator requirements if applicable).*

If you have additional questions, please do not hesitate to contact us.

Sincerely,

Martin G. Ferguson, Jr.
Permits Program Manager
Office of Water Resources Management

Enclosure: Memorandum
Permit No. VA00000000

cc: Regional Office
EPA, Region III
Department of Health - Region
Department of Health - Richmond

* Municipal permits

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.5. Approval Memorandum Delegated Permit Format

SUBJECT: Issuance/Reissuance of (VPDES Permit Number, Facility Name, and Location)

TO: Director

FROM: Regional Water Resources Manager (delegated permit)

DATE: (Date Signed)

COPIES: OWRM

Legal Name of Owner: (Obtain from VPDES application)

Application Submitted By: (Name of who submitted)

Application Date: Initial application received on _____
(optional-supplemental dates). Date of
complete application _____.

Type of Discharge: Existing (Industrial/ Municipal-Sewage)
Discharge or Proposed (Industrial/
Municipal-Sewage) Discharge

Manufacturing Operation*: (Brief description of
(SIC Code) manufacturing operation)

Example:

The industry is involved in the manufacture of paper chairs utilizing as raw materials toothpicks and recycled paper. Wastewaters originate from the pulverizing, de-inking and cleaning operations.

*Industry only - omit for municipal discharges.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.5. Approval Memorandum (cont.)

Wastewater Treatment
Facilities:

(Brief description of wastewater treatment operation)

Receiving Stream:

Stream:, Basin:, Subbasin: (if no subbasin N/A), Section:, Class:, Special Standard(s):

Public Notice:

The application and draft permit have received public notice in accordance with the Permit Regulation and responses to the public notice indicated that the discharge (is or is not) controversial. Owner's objections shall be considered as controversial.

(Provide detailed description of controversy. Also, provide the public hearing date and reference the background memorandum.)

OR

The staff believes the discharge is controversial, however, the staff addressed all comments satisfactorily and does not believe a public hearing is necessary. (Provide how the controversy was addressed.)

OR

The application and draft permit have received public notice in accordance with the Permit Regulation and no comments were received.

Planning:

The discharge is in conformance with the existing planning documents for the area.

OR

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.5. Approval Memorandum (cont.)

Planning (cont.): The discharge is not addressed in any planning document but will be included when the plan is updated.

EPA Comments: EPA has waived the right to comment and/or object to the adequacy of the draft permit.

COE Comments: Include COE comments, if there were no comments, indicate no comments received.

VDH Comments: If no comments received, indicate no comments received.

Previous Board Action: Summarize all previous Board actions affecting the discharge. (If none, state none.) (Only those actions taken by the 7 member Board should be included here.)

Staff Comments: The discharge (is or is not) controversial (use for reissuance) (and is currently (meeting or not meeting) the required effluent limitations.)

Explanation for delays in issuance/reissuance.

Additional comments including previous permit actions (issuance, reissuance or modification).

The staff believes that the (attached effluent or future effluent) limitations will maintain the Water Quality Standards adopted by the Board.

If applicable, explain compliance status and reason for short term permit.

Basis for Effluent Limits: (Promulgated guidelines, technology, water quality standards, BPJ, etc.)

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.5. Approval Memorandum (cont.)

Licensed Operator Requirements:

(The staff believes that a class _____ operator is required) or (a licensed operator is not required).

STAFF RECOMMENDATIONS:

The staff recommends that the Director:

1. Approve the attached effluent limitations and monitoring requirements.
2. (Issue/Reissue) VPDES Permit No. _____ (for a term of _____ years.) (use for short term permits only).
3. Approve the discharge proposal as being subject to the requirements of a Reliability Class _____ facility (Municipal only and waived if $\leq 1,000$ gpd)
4. Approve the conceptual design of the wastewater treatment facility (Industrial issuance only).
5. Approve the exception to the Chlorine Standard. (When the permit contains an exception to the standard).

APPROVED: _____
Director

DATE: _____

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

**R.6. Transmittal Letter
Delegated Permit**

(PTS generated)

Regional Letterhead

Date

**Facility Name
Address**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

ATTN: John Contact

**RE: VPDES Permit No. VA0000000, VPDES Permit Issuance/Reissuance
Facility Name**

Dear Permittee:

The Director has approved the enclosed effluent limitations and monitoring requirements for the above referenced permit. This approval is in accordance with the enclosed memorandum.

Your permit is also enclosed. In accordance with the permit, you are required to submit monitoring reports to:

**Virginia DEQ, Water Division
Regional Office
Address**

The reporting form is included with the permit. You will be responsible for obtaining additional copies of the reporting (DMR) form. The first DMR for the month ending **Month** due by **Date** .

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Virginia Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.6. Transmittal Letter (cont.)
Delegated Permit

(PTS generated)

Permit No. VA00000000

Facility Name

Date

Page 2

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in § 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

A Reliability Class **xx** is assigned to this facility and this facility has Class **xx** licensed operator requirements (or no licensed operator requirements if applicable).*

If you have any additional questions, please do not hesitate to contact us.

Sincerely,

Regional WRM
Water Resources Manager

Enclosure: Memorandum
Permit No. VA00000000

cc: OWRM
EPA, Region III
Department of Health - **Region**
Department of Health - Richmond

* Municipal permit

APPENDIX IV -- MODIFICATION PROCEDURES

Table of Contents

A. Sample Format for a Proposed Modification Request	IV-A1
B. Example VPDES Modification Tracking Sheet	IV-A3
C. Transmittal Letter to EPA(PTS generated)	IV-A5
D. Modification/PN Letter to Owner(PTS generated)	IV-A7
E. Modification/Optional PN Letter to Owner ..(PTS generated)	IV-A9
F. PN Authorization Form and PN Format(PTS generated)	IV-A11
G. PN Transmittal Letter and Verification(PTS generated)	IV-A14
H. Change of Ownership -- Transmittal Letter to New Owner (PTS generated)	IV-A16
I. Change of Ownership Agreement Form (PTS generated)	IV-A17
J. Change of Ownership -- Transmittal Letter to Current Owner (PTS generated)	IV-A19
K. Change of Ownership Agreement Form (PTS generated)	IV-A21
L. Approval Memorandum Change of Ownership Format	IV-A23
M. Approval Memorandum Modification Format	IV-A25
N. Modification Transmittal Letter to Owner (PTS generated)	IV-A28
O. Modification Cover Page (PTS generated)	IV-A31
P. Reissuance in Lieu of Modification (Industrial) (PTS generated)	IV-A33
Q. Reissuance in Lieu of Modification (Municipal) (PTS generated)	IV-A35
R. Permit Revocation Agreement Form for Revocation and Reissuance(PTS generated)	IV-A37

APPENDIX IV -- MODIFICATION PROCEDURES

IV A. Sample Format for a Proposed Modification Request

Virginia Department of Environmental Quality, Water Division
Regional Office
Address

RE: VPDES Permit No. VA00_____

Dear Sir:

This is to request that VPDES Permit No. VA00_____ issued to _____
on _____ be modified as described below.

Proposed Modification Description

1. Present Permit Condition in Question
2. Proposed Modification Being Sought
3. Reasons and Justification for the Modification

Signature of Responsible Official

Date

APPENDIX IV -- MODIFICATION PROCEDURES

APPENDIX IV -- MODIFICATION PROCEDURES

IV B. Example VPDES Modification Tracking Sheet

County: _____
 Facility Name: _____
 Owner: _____
 Permit No.: _____

	<u>DATE</u>	<u>INITIALS</u>
1. Modification Initiated By DEQ	_____	_____
2. Modification Request From Owner	_____	_____
3. Modification Request from 3rd Party	_____	_____
4. Change of Ownership Agreement Form Received from Current Owner	_____	_____
5. Change of Ownership Agreement Form Received from New Owner	_____	_____
6. Receipt of Application (if required)	_____	_____
7. Receipt of LGOF (if required)	_____	_____
8. Additional Information Requested	_____	_____
9. Additional Information Received	_____	_____
10. Application to VDH	_____	_____
11. VDH Comments Received	_____	_____
12. Application/Request to OWRM (non-delegated permits)	_____	_____
13. OWRM Concurrence	_____	_____
14. Application/Request Complete	_____	_____
15. Model to OWRM (if applicable)	_____	_____
16. OWRM Comments on Model	_____	_____
17. Prepare Draft Pages	_____	_____
18. Prepare Fact Sheet/Statement of Basis	_____	_____
19. Prepare Modified Permit Pages	_____	_____

APPENDIX IV -- MODIFICATION PROCEDURES

IV B. Example VPDES Modification Tracking Sheet (cont.)

20. Planning Concurrence Received	_____	_____
21. Draft Modified Pages and FS to OWRM (non-delegated)	_____	_____
22. OWRM Concurrence (non-delegated)	_____	_____
23. Draft Modified Pages, FS/SOB to VDH	_____	_____
24. Comments from VDH Received	_____	_____
25. Draft Modified Pages and Fact Sheet to EPA (major facilities)	_____	_____
26. EPA Comments Received	_____	_____
27. Draft, FS/SOB to Permittee with Public Notice Authorization Form	_____	_____
28. PN Authorization Form Received	_____	_____
29. PN to Newspaper	_____	_____
30. Application, FS/SOB and Draft to COE	_____	_____
31. Application, FS/SOB and Draft to Other agencies	_____	_____
32. Application, FS/SOB and Draft to Adjacent States	_____	_____
33. Public Notice Dates	_____	_____
34. Public Notice Verification	_____	_____
35. Final Package to OWRM (non-delegated)	_____	_____
36. Permit Modified	_____	_____
37. FIF Completed and Filed	_____	_____

APPENDIX IV -- MODIFICATION PROCEDURES

IV C. Transmittal Letter to EPA

(PTS generated)

Regional Letterhead

Date

Regional Administrator
U.S. Environmental Protection Agency
Region III (3WM53)
841 Chestnut Building
Philadelphia, PA 19107

RE: VPDES Permit No. VA0000000, Permittee Name
Facility Name

Dear Sir:

In accordance with the Memorandum of Understanding regarding permit and enforcement programs between the State Water Control Board and the Regional Administrator, Region III, U.S. Environmental Protection Agency, this is to advise that the Board intends to **modify** the referenced permit. Attached are copies of the referenced fact sheet, draft permit, and other pertinent documentation. This process consists of reissuing the permit. This permit will limit (**insert parameters**).

Any comments and/or objections regarding the processing of this permit shall be directed to the Virginia Department of Environmental Quality, Water Division at the following address:

Virginia DEQ, Water Division
Office of Water Resources Management
P.O. Box 11143
Richmond, VA 23230

In the event of failure to comment or object within 30 days of receipt of this notification, processing of the referenced permit will be deemed acceptable to the Regional Administrator.

Sincerely,

John Q. Writer
Permit Engineer

Enclosure

cc: OWRM

APPENDIX IV -- MODIFICATION PROCEDURES

APPENDIX IV -- MODIFICATION PROCEDURES

IV D. Modification/PN Letter to Owner

(PTS generated)

Regional Letterhead

Date

Facility Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ATTN: John Contact

RE: VPDES Permit No. VA0000000, VPDES Permit Modification
Facility Name

Dear Permittee:

This is to advise you that the State Water Control Board is considering modification of the referenced VPDES permit. It is suggested that you review this public notice and draft permit package carefully.

In accordance with the State Water Control Law and the Board's Permit Regulation, certain public notice procedures must be complied with before the actual permit can be processed. These required public notice procedures are presented in the following paragraphs.

The owner must bear the cost of advertising the attached public notice, which shall be published once a week, for two consecutive weeks, seven days apart, in a newspaper of general, local circulation. Please complete and return the attached authorization form with your signature which will permit the newspaper to bill the advertisement to you. If you have any questions or comments concerning the proposed permit action or the public notice requirements, please contact this office within the next fourteen days.

If you have not submitted the authorization form within 14 days to allow the newspaper to bill you,* permit processing will cease, your (application/request) will be recorded as incomplete and returned to you. ** public notice will proceed at our expense and the Office of Enforcement and Compliance Auditing shall be notified that you failed to comply with the permit processing requirements.

APPENDIX IV -- MODIFICATION PROCEDURES

IV D. Modification Letter to Owner (cont.)

Permit No. VA00000000

Facility Name

Date

Page

Following the first notice appearance in the newspaper, a minimum of 30 days will be allowed for public response. If no public response is received, or if the public response received can be satisfactorily answered, the permit will be processed. However, if there is significant public response, then it may be necessary to initiate public hearing procedures. If a public hearing is necessary, you will be so advised.

Sincerely,

John Q. Writer
Permit Engineer

cc: OWRM (Non-delegated permits)

- * -- For owner initiated modifications
- ** -- For DEQ or third party initiated modification

APPENDIX IV -- MODIFICATION PROCEDURES

IV E. Modification/Optional PN Letter to Owner

(PTS generated)

Regional Letterhead

Date

Facility Name

Address

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

ATTN: John Contact

RE: VPDES Permit No. VA0000000, VPDES Permit Modification
Facility Name

Dear Permittee:

This is to advise you that the State Water Control Board is considering the above referenced VPDES Permit action. In order for us to continue processing your permit, there are three things that you should do and these are presented in the following paragraphs:

1. Review the attached public notice and draft permit package carefully. If you have any questions, comments, or objections concerning the draft permit or public notice, please contact this office within the next 14 days. If you agree to accept the draft permit and all the conditions contained therein, then you should proceed to the next paragraph.
2. Publish a notice in the (Insert Newspaper Name) as soon as possible. This notice must be published once a week for two consecutive weeks, seven days apart. Following the first public notice appearance in the newspaper, a minimum of 30 days will be allowed for the public to comment. If no public response is received, or if the public response received can be satisfactorily answered, then the permit will be issued. However, if there is significant public interest, then it may be necessary to initiate public hearing procedures. If a public hearing is necessary, you will be so advised.
3. Provide us with proof that the notice has been published in the newspaper. Proof of publication shall consist of one of the following:
 - The attached public notice verification sheet completed and signed by the newspaper, or
 - The actual copies of pages from the newspaper showing the notice and the date of the newspaper.

APPENDIX IV -- MODIFICATION PROCEDURES

IV E. Modification/Optional PN Letter to Owner (cont.)

Permit No. VA00000000

Facility Name

Date

Page

We are required by the State Water Control Law to process this permit within a certain time, therefore, we must limit you to 35 days to complete the above steps. If you have not completed all the above steps by (PTS supplied date), permit processing will cease, your application will be considered as incomplete and returned to you.

Sincerely,

John Q. Writer
Permit Engineer

Enclosure

cc: OWRM-Mailing List

APPENDIX IV -- MODIFICATION PROCEDURES

IV F. Public Notice
Authorization Form

(PTS generated)

PUBLIC NOTICE AUTHORIZATION FORM
AUTHORIZATION FOR PUBLIC NOTICE BILLING TO
VPDES PERMIT APPLICANT

I hereby authorize the Department of Environmental Quality, Water
Division to have the cost of publishing a public notice once a week
for two consecutive weeks, seven days apart, in the:

(Insert Newspaper Name here)

charged to:

Agent or department to be billed: _____

Applicant's Address: _____

Authorizing Agent:

Signature

Permit No. VA0000000
Attn: John Q. Writer
cc: OWRM

APPENDIX IV -- MODIFICATION PROCEDURES

IV F. Public Notice Format

(PTS generated)

PUBLIC NOTICE

**MODIFICATION OF A VPDES PERMIT TO DISCHARGE
TO STATE WATERS AND STATE CERTIFICATION UNDER
THE STATE WATER CONTROL LAW**

Public Notice No.: VA-Regional Office Number

First Public Notice Issue Date: (to be supplied by newspaper)

**The State Water Control Board has under consideration modification of
the following Permit and State Certificate:**

Permit No.: VA000000000

Name of Permittee: Owner's Name

Facility Name: Facility Name

Facility Location:

Permittee Address:

Flow: 0.0 MGD

Receiving Stream: Receiving Waters Name

Basin:

Subbasin:

Section: Class:

Special Standards:

**Discharge: Existing Municipal/Industrial Discharge resulting from the
operation of some kind of plant.**

**The proposed modification consists of:
limiting parameters listed in the permit.**

This proposed modification is tentative.

**On the basis of preliminary review and application of lawful standards
and regulations, the State Water Control Board proposes to modify the
permit subject to certain conditions.**

APPENDIX IV -- MODIFICATION PROCEDURES

IV F. Public Notice Format (cont.)

(PTS generated)

(Public Notice Continued - Page 2)
(Permit No. VA0000000)

Persons may comment in writing to the Department of Environmental Quality, Water Division on the proposed **modification** of the permit within 30 days from the date of the first notice. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period and specific to the **modification** will be considered. The Director of the Department of Environmental Quality may decide to hold a public hearing if public response is significant.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting **John Q. Writer** at:

Virginia DEQ, Water Division
Regional Office
Address

Telephone No. (000) 000-0000

Following the comment period, the Director will make a determination regarding the proposed **modification**. This determination will become effective, unless the Director grants a public hearing. Due notice of any public hearing will be given.

APPENDIX IV -- MODIFICATION PROCEDURES

IV G. Transmittal Letter to Newspaper

(PTS generated)

Regional Letterhead

Date

Newspaper Name
Address

RE: VPDES Permit No. VA0000000, VPDES Permit Modification
Facility Name

Gentlemen:

Please publish the attached public notice in the earliest possible edition of your paper once a week for two consecutive weeks, seven days apart. (Please publish it in the legal section in the smallest print possible). Please add the public notice issue date to the public notice. Upon completion of the advertising, please forward the bill for your services to:

Facility Name
Address

Also, please complete and return to this office the attached sheet certifying that the public notice has been published as requested.

Sincerely,

John Q. Writer
Permit Engineer

Enclosure

cc: OWRM - Mailing List
Facility

APPENDIX IV -- MODIFICATION PROCEDURES

IV G. Public Notice
Verification Sheet

(PTS generated)

PUBLIC NOTICE VERIFICATION SHEET

PASTE PRINTED COPY OF NOTICE IN THIS SPACE

I hereby certify that the notice attached in the space above appeared in the (Insert Newspaper Name) once weekly for two consecutive weeks, seven days apart, on these dates:

_____ 19 ____

_____ 19 ____

(Signature)

(Title)

_____ 19 ____
(Date)

Permit No. VA0000000
Attn: John Q. Writer

APPENDIX IV -- MODIFICATION PROCEDURES

IV H. Change of Ownership
Transmittal Letter to New Owner

(PTS generated)

Regional Letterhead

Date

Facility Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ATTN: John Contact

RE: Modification of VPDES Permit No. VA0000000

Dear Permittee:

The State Water Control Board intends to modify the referenced permit as noted below:

Existing Owner:
New Owner:

If you agree with the proposed modification and wish to have the permit transferred to your name, please sign and date the attached form in the spaces provided, agreeing to accept all conditions and responsibilities of the permit, and return it to this office within 14 days.

If you have any questions in this regard, please contact this office for clarification.

Sincerely,

John Q. Writer
Permit Engineer

Enclosure

cc: Current Owner

APPENDIX IV -- MODIFICATION PROCEDURES

IV I. Change of Ownership Agreement
Form to New Owner

(PTS generated)

NEW OWNER TRANSFER OF OWNERSHIP
AGREEMENT FORM

SUBJECT: Modification of VPDES Permit No. VA0000000

TO: Virginia Department of Environmental Quality, Water Division
Regional Office
Address

CURRENT:
OWNER

NEW:
OWNER

I hereby agree to the change of ownership modification to
VPDES Permit No. VA0000000 in accordance with your letter
dated (effective date), and I agree to accept all con-
ditions and responsibilities of the permit.

DATE: _____

SIGNED: _____

TITLE: _____

ATTN: John Q. Writer

APPENDIX IV -- MODIFICATION PROCEDURES

APPENDIX IV -- MODIFICATION PROCEDURES

IV J. Change of Ownership
Transmittal Letter to Current Owner

(PTS generated)

Regional Letterhead

Date

Facility Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ATTN: John Contact

RE: Modification of VPDES Permit No. VA0000000
Facility Name

Dear Permittee:

The State Water Control Board intends to modify the referenced permit to recognize a change of ownership as noted below:

Existing Owner:
New Owner:

If you agree with the proposed modification, please sign and date the attached waiver form in the spaces provided and return it to this office within 14 days.

If you have any questions in this regards, please contact this office for clarification.

Sincerely,

John Q. Writer
Permit Engineer

Enclosure
cc: New Owner

APPENDIX IV -- MODIFICATION PROCEDURES

APPENDIX IV -- MODIFICATION PROCEDURES

IV K. Change of Ownership Agreement
Form to Current Owner

(PTS generated)

CURRENT OWNER TRANSFER OF OWNERSHIP
AGREEMENT FORM

SUBJECT: Modification of VPDES Permit No. VA0000000

TO: Virginia Department of Environmental Quality, Water Division
Regional Office
Address

CURRENT:
OWNER

I hereby agree to the change of ownership modification to
VPDES Permit No. VA0000000 in accordance with your letter
dated (effective date).

DATE: _____

SIGNED: _____

TITLE: _____

ATTN: John Q. Writer

APPENDIX IV -- MODIFICATION PROCEDURES

APPENDIX IV -- MODIFICATION PROCEDURES

IV L. Approval Memorandum Change of Ownership Format

SUBJECT: Change in Ownership of VPDES Permit No. VA0000000, Facility Name, Location

TO: Director

FROM: Permits Program Manager (non-delegated permits)
Water Resources Manager (delegated permits)

DATE: (date signed)

COPIES: RO, OWRM, VDH-HQ-RO (for municipals only)

Legal Name of Current Owner:

Legal Name of New Owner:

Type of Discharge: Existing/proposed (Industrial/Municipal -Sewage) Discharge

Receiving Stream: Stream:, Basin:, Subbasin: (if no Subbasin - N/A), Section: Class:, Special Standards:

Planning: The discharge is in conformance with the existing planning documents for the area.

OR

The discharge is not addressed in any planning document but will be included when the plan is updated.

Previous Board Action: Summarize any previous Board actions directly related to the proposed modification. If none state none.

APPENDIX IV -- MODIFICATION PROCEDURES

IV L. Approval Memorandum Change of Ownership Format (cont.)

Staff Comments:

Briefly explain the reasons for the proposed modification.

If applicable, include the following statement: The current owner, by letter dated _____, has agreed to the change of ownership.

The new owner has agreed to accept all conditions and requirements of the permit by letter dated _____.

If applicable, explain compliance status and reasons for short term permit.

Additional comments to include previous permit actions such as issuance, reissuance, or modification.

STAFF RECOMMENDATIONS:

The staff recommends that the Director:

1. Approve the change in ownership as contained in the attached modification to VPDES Permit No. _____
2. Issue the modified VPDES Permit No. _____.

APPROVED: _____
Director

DATE: _____

APPENDIX IV -- MODIFICATION PROCEDURES

IV M. Approval Memorandum Modification Format

SUBJECT: Modification of VPDES Permit No. VA0000000, Facility Name,
Location

TO: Director

FROM: Permits Program Manager (non-delegated)
Water Resources Manager (delegated permits)

DATE: (date signed)

COPIES: RO, OWRM, VDH-HQ-RO (for municipals only)

Legal Name of Owner: (Obtain from application)

Modification Requested By: Does not apply if the proposed
modification is initiated by the staff.
Identify date when complete modification
request was received.

Type of Discharge: Existing/proposed (Industrial/ Municipal
-Sewage) Discharge

Receiving Stream: Stream:, Basin:, Subbasin: (if no
Subbasin - N/A), Section: Class:,
Special Standards:

Modification Description: Briefly describe modification

Public Notice: The modification has received public
notice in accordance with the Permit
Regulation and response to the public
notice indicated that the modification
(is or is not) controversial.
(Provide detailed description of
controversy. Owner objections shall be
considered controversial. Also, provide
the public hearing date and reference
the background memorandum.)

OR

The staff believes the modification is
controversial, however, the staff
addressed all comments satisfactorily
and does not believe a public hearing is
necessary.
Provide how the controversy was
addressed.

APPENDIX IV -- MODIFICATION PROCEDURES

IV M. Approval Memorandum Modification Format (cont.)

OR

The modification has received public notice in accordance with the Permit Regulation and no comments were received.

Planning:

The discharge is in conformance with the existing planning documents for the area.

OR

The discharge is not addressed in any planning document but will be included when the plan is updated.

EPA Comments:

EPA has waived the right to comment or object to the adequacy of the draft permit.

OR

EPA has no objections to the adequacy of the draft permit.

OR

State EPA comments and or objections, if applicable, and how resolved.

COE Comments:

State COE comments and/or objections. If there were no comments, state no comments received.

VDH Comments:

If no comments received, indicate no comments received.

Comments of Adjacent States: (Include only if applicable)

Applicable only for states bordering Virginia which are affected by the discharge.

Previous Board Action:

Summarize any previous Board actions directly related to the proposed modification. If none state none.

Staff Comments:

Briefly explain the reasons for the proposed modification.

Additional comments to include previous permit actions such as issuance, reissuance, or modification.

APPENDIX IV -- MODIFICATION PROCEDURES

IV M. Approval Memorandum Modification Format (cont.)

The staff believes that the (attached effluent or future effluent) limitations will maintain the Water Quality Standards adopted by the Board.

If applicable, explain compliance status and reasons for short term permit.

Basis for Effluent Limits:

Required when modification is to effluent limitations, promulgated guidelines, technology, water quality standards, BPJ, etc.

Licensed Operator Requirements:

(The staff believes that a class ___ operator is required) or (a licensed operator is not required).

STAFF RECOMMENDATIONS:

The staff recommends that the Director:

1. Approve the modification of VPDES Permit No. _____, (for a term of _____. (for short term permits)).
2. Issue the modified VPDES Permit No. _____.
3. Approve the discharge proposal as being subject to the requirements of a Reliability Class ___ facility (municipal only).
4. Approve the exception to the Chlorine Standard. (When the permit contains an exception to the standard.)

APPROVED: _____

Director

DATE: _____

APPENDIX IV -- MODIFICATION PROCEDURES

IV N. Modification Transmittal Letter to Owner

(PTS generated)

Regional Letterhead

Date

Facility Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: **John Contact**

RE: **VPDES Permit No. VA0000000, VPDES Permit Modification**
Facility Name

Dear Permittee:

The Director has approved the enclosed effluent limitations and monitoring requirements for the above referenced permit. This approval is in accordance with the enclosed memorandum.

Your permit is also enclosed. In accordance with the permit, you are required to submit monitoring reports to:

Virginia DEQ, Water Division
Regional Office
Address

The reporting form is included with the permit. You will be responsible for obtaining additional copies of the reporting form (DMR). The first DMR for the month ending **Month** is due by (PTS supplied date).

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Virginia Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

APPENDIX IV -- MODIFICATION PROCEDURES

IV N. Modification Transmittal Letter to Owner (cont.) (PTS generated)

Permit No. VA0000000

Facility Name

Date

Page 2

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in § 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

A Reliability Class **xx** is assigned to this facility and this facility has Class **xx** licensed operator requirements (or no licensed operator requirements if applicable).*

If you have any questions, please do not hesitate to contact us.

Sincerely,

Regional WRM
Water Resources Manager

Enclosures: Memorandum
Permit No. VA0000000

cc: OWRM
EPA, Region III

* Municipal permits

APPENDIX IV -- MODIFICATION PROCEDURES

APPENDIX IV -- MODIFICATION PROCEDURES

IV O. Modification Cover Page

(PTS generated)

DEQ Letterhead

Permit No. VA0000000
Effective Date:
Modification Date:
Expiration Date:

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit.

Owner: (Owner Name)
Facility Name: (Facility Name)
City:
County:
Facility Location:

The owner is authorized to discharge to the following receiving stream:

Stream: (Receiving Waters Name)
River Basin:
River Subbasin:
Section:
Class:
Special Standards:

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements, Part II - Monitoring and Reporting Requirements, and Part III - Management Requirements, as set forth herein.

Director, Department of Environmental Quality

Date

APPENDIX IV -- MODIFICATION PROCEDURES

APPENDIX IV -- MODIFICATION PROCEDURES

IV P. Reissuance in Lieu of Modification (Industrial) (PTS generated)

Regional Letterhead

Date

Facility Name

Address

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Attn: John Contact

RE: Request for Modification of VPDES Permit No. VA0000000
Facility Name

Dear Permittee:

The Virginia Department of Environmental Quality, Water Division staff has received your request for permit modification. Due to the proximity of this request to the end of the permit's effective life, the staff is pursuing an alternative permit action. Rather than modifying and subsequently reissuing the permit, we intend to revoke and reissue your permit. By pursuing this course you and the staff can avoid the time consuming duplication of paperwork that would result from a modification followed by a reissuance. You also may save the expense of a second public notice. This permit action may incorporate the changes you proposed in your modification request and others which may be required by the Clean Water Act and State Water Control Law. In addition, the life of the permit will be extended for five more years.

In order to reissue your permit it is first necessary to revoke it. If you agree with the proposed revocation and reissuance and wish the prescribed hearing to be dispensed with, please sign and date the attached waiver form in the spaces provided and return it to this office within the next 14 days.

APPENDIX IV -- MODIFICATION PROCEDURES

IV. P. Reissuance in Lieu of Modification (Industrial) (cont.)

Permit No. VA0000000

Facility Name

Date

Page 2

Attached are VPDES Permit application forms. It is necessary that you complete and return the attached original application form and five copies to this office by (PTS supplied date) at the following address:

Virginia DEQ, Water Division
Regional Office
Address

This is to insure that processing of your modification request, along with reissuance, can begin.

If you have any questions, please contact this office.

Sincerely,

John Q. Writer
Permit Engineer

Enclosure

cc: OWRM

APPENDIX IV -- MODIFICATION PROCEDURES

IV Q. Reissuance in Lieu of Modification (Municipal)

(PTS generated)

Regional Letterhead

Date

Facility Name

Address

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

ATTN: John Contact

**RE: Request for Modification of VPDES Permit No. VA0000000
Facility Name**

Dear Permittee:

The Virginia Department of Environmental Quality, Water Division staff has received your request for permit modification. Due to the proximity of this request to the end of the permit's effective life, the staff is pursuing an alternative permit action. Rather than modifying and subsequently reissuing the permit, we intend to revoke and reissue your permit. By pursuing this course you and the staff can avoid the time consuming duplication of paperwork that would result from a modification followed by a reissuance. You also may save the expense of a second public notice. This permit action may incorporate the changes you proposed in your modification request and others which may be required by the Clean Water Act and State Water Control Law. In addition, the life of the permit will be extended for five more years.

In order to reissue your permit it is first necessary to revoke it. If you agree with the proposed revocation and reissuance and wish the prescribed hearing dispensed with, please sign and date the attached waiver form in the spaces provided and return it to this office within the next 14 days.

APPENDIX IV -- MODIFICATION PROCEDURES

IV Q. Reissuance in Lieu of Modification (Municipal) (cont.)

Permit No. VA0000000

Facility Name

Date

Page 2

Attached are VPDES Permit application forms. It is necessary that you complete and return the attached original application form and five copies to this office by (PTS supplied date) at the following address:

Virginia DEQ, Water Division
Regional Office
Address

You must also send two copies to:

Virginia Department of Health
Regional Office
Address

This is to insure that processing of your modification request, along with reissuance, can begin.

If you have any questions, please contact this office.

Sincerely,

John Q. Writer
Permit Engineer

Enclosure

cc: OWRM

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

Table of Contents

A. Termination Letter	V-A1
B. Termination Agreement Form	V-A3
C. Approval Memorandum for Recommending a Public Hearing (Termination)	V-A5
D. Notice of Intent to Deny	V-A7
E. Application Withdrawal Form	V-A9
F. Approval Memorandum for Public Noticing an Intent to Deny ..	V-A11
G. Approval Memorandum for Recommending a Public Hearing (Denial)	V-A13
H. Approval Memorandum Denial Format (Request for Board Action)	V-A15

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

V A. Termination Letter

Regional Letterhead

Date

Permittee Address

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dear Permittee:

**RE: Termination of VPDES Permit No. VA00____, Facility Name,
Location**

The State Water Control Board intends to terminate the referenced permit.

The subject permit is terminated for the following reason(s):

(provide an explanation)

If you agree with the proposed termination and wish the prescribed hearing to be dispensed with, please sign and date the attached agreement form in the spaces provided and return it to this office within 14 days..

If you have any comments or questions relative to the proposed termination, please contact the writer.

Sincerely,

John Q. Writer
Permit Engineer

Attachment

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

**R.7. Transmittal Letter
Single Family House**

(PTS generated)

Regional Letterhead

Date

**Facility Name
Address**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

ATTN: John Contact

**RE: VPDES Permit No. VA0000000, VPDES Permit Issuance/Reissuance
Facility Name**

Dear Permittee:

The Director has approved the enclosed effluent limitations and monitoring requirements for the above referenced permit. This approval is in accordance with the enclosed memorandum. Your permit is also enclosed.

Self monitoring for small discharges, such as your own, is not required at this time. However, if at some future time the Department of Environmental Quality finds that your discharge is variable or unpredictable, or that it contains a toxic pollutant, a self-monitoring and reporting program may be initiated.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Virginia Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in § 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

APPENDIX III -- ISSUANCE/REISSUANCE PROCEDURES

R.7. Transmittal Letter (cont.)
Single Family House

(PTS generated)

Permit No. VA00000000

Facility Name

Date

Page 2

If you have any questions, please do not hesitate to contact us.

Sincerely,

Regional Office
Water Resources Manager

Enclosure: Memorandum
VPDES Permit

cc: OWRM
EPA, Region III
Department of Health: **Regional Office**
Department of Health: Richmond
Local Health Department:

APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form (cont.)

INSTRUCTIONS: THIS PAGE IS TO BE COMPLETED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION

VII. RESULTS OF PUBLIC COMMENT

(Attach a representative sample of any letters received during the public comment period and the hearing exhibit list if a public hearing was conducted).

VIII. COMMENTS BY REGION III OF THE ENVIRONMENTAL PROTECTION AGENCY

_____ Attached

_____ None Required

IX. RECOMMENDATIONS OF REVIEW COMMITTEE TO REGIONAL DIRECTOR

_____ Application is incomplete. Please complete the following sections and resubmit: _____

_____ Recommend conditionally upon:

_____ receipt of public comment

_____ EPA comment

_____ other conditions (specify): _____

_____ Disinfection Needed Year Round

_____ Disinfection Not Needed

_____ Disinfection Needed Seasonably
(List Months) _____

Date of Recommendation: _____

Names of Committee Members

Organizational Unit

Virginia Department of Health

DEQ, Water Division Water Quality
Standards Program, OERS

DEQ, Water Division _____
Regional Office

DEQ, Water Division Permits Program,
OWRM

APPENDIX MN -- MUNICIPAL

15. Permit Chlorine Pages Format

Included in Appendix MN, **Chlorine Permit Pages**, are municipal permit chlorine pages which shall be used to incorporate the permit values that were derived using the technical procedures. The included page formats cover the following situations:

a. Require Dechlorination, Final Limits not met.

Permits which require dechlorination but are not meeting final dechlorination limits at time of permit action, MN-73.

b. Require Dechlorination, meeting Final Limits

Permits which require dechlorination and are achieving final dechlorination limits or shall be required to achieve final dechlorination limits at the time of permit action, MN-81.

c. Endangered/Threatened Species Waters, Natural Trout streams

Permits which contain chlorine limitations and discharge into Endangered/Threatened Species Waters or Natural Trout Streams that fall into one of the following categories:

(1) Permits with design flows equal to or greater than 0.02 MGD which have been modified or reissued with dechlorination limitations and dechlorination facilities have been installed, MN-87.

(2) Permits with design flows equal to or greater than 0.02 MGD which have been modified or reissued with dechlorination limitations and dechlorination facilities have not been installed or are in the process of being installed or;

The permit has not yet been modified or reissued with dechlorination limitations or;

The mass balance does not require dechlorination; MN-94.

(3) Permits with design flows less than 0.02 MGD that are currently chlorinating and dechlorinating, MN-98.

(4) Permits of less than 0.02 MGD that are currently chlorinating and are not dechlorinating, MN-102.

d Sewage Discharges Equal To Or Less Than 1,000 GPD

(1) Discharges Into Other Than Protected or Prohibited Waters

-Permit issuance for new sewage discharges, MN-108.

-Permit issuance/reissuance for existing sewage discharges, MN-108.

APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form (cont.)

Request for Background Information for
DEQ, Water Division Consideration
of Modified Disinfection Requirements

I. To be completed and mailed by applicant:

Facility Name _____ VPDES # _____
Applicant's Name _____
Mailing Address _____
Phones _____
Stream/River _____ River Basin _____
City/County _____ Topographical map name _____
Impacted Stream Area (be specific; include upstream and downstream limits)

Outfall Location _____

Mail to: Local Agricultural Agent
Address: _____

II. To be completed for the above impacted stream area by the Local
Agricultural Agent.

CURRENT STREAM USES (Please indicate all uses known to your
organization)

Boating	_____	Boat Ramp/Dock	_____
Beach/Swimming	_____	Fishing	_____
Trout Fishing (natural)	_____	Trout Fishing (put & take)	_____
Picnic Areas	_____	Adjacent Parkland	_____
Road/Hiking Trail	_____	Livestock Watering	_____
within 100 feet			
List Endangered Species	_____		
List Threatened Species	_____		
Other	_____		

Signature _____ Date _____

Title _____

III. The individual completing Section II must return the Original
Form to the address provided below by the DEQ, Water Division
Regional Office:

DEQ, Water Division Regional Office _____
Regional Office Contact _____
Address _____
Phone _____/_____

(DEQ, Water Division Regional Office to copy Applicant)

APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form (cont.)

Request for Background Information for
DEQ, Water Division Consideration
of Modified Disinfection Requirements

I. To be completed and mailed by applicant if discharge is into tidal waters:

Facility Name _____ VPDES # _____
Applicant's Name _____
Mailing Address _____
Phones _____
Stream/River _____ River Basin _____
City/County _____ Topographical map name _____
Impacted Stream Area (be specific; include upstream and downstream limits) _____
Outfall Location _____

Mail to: Virginia Marine Resources Commission, P. O. Box 756, Newport News, VA
23607-0756

II. To be completed for the above impacted stream area by Dr. Eric Barth, Virginia Marine Resources Commission.

CURRENT STREAM USES (Please indicate all uses known to your organization)

Boating	_____	Boat Ramp/Dock	_____
Beach/Swimming	_____	Fishing	_____
Trout Fishing (natural)	_____	Trout Fishing (put & take)	_____
Picnic Areas	_____	Adjacent Parkland	_____
Road/Hiking Trail	_____	Livestock Watering	_____
within 100 feet			
List Endangered Species	_____		
List Threatened Species	_____		
Other	_____		

Signature _____ Date _____

Title _____

III. The individual completing Section II must return the Original Form to the address provided below by the DEQ, Water Division Regional Office:

DEQ, Water Division Regional Office _____
Regional Office Contact _____
Address _____
Phone _____

(DEQ, Water Division Regional Office to copy Applicant)

APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form (cont.)

Request for Background Information for DEQ, Water Division Consideration of Modified Disinfection Requirements

I. To be completed and mailed by applicant:

Facility Name _____ VPDES # _____

Applicant's Name _____

Mailing Address _____

Phones _____

Stream/River _____ River Basin _____

City/County _____ Topographical map name _____

Impacted Stream Area (be specific; include upstream and downstream
limits) _____

Outfall Location _____

Mail to: Environmental Program Planner, Department of Conservation and Recreation,
203 Governor Street, Suite 306, Richmond, Virginia 23219

II. To be completed for the above impacted stream area by
Environmental Program Planner:

CURRENT STREAM USES (Please indicate all uses known to your
organization)

Boating _____	Boat Ramp/Dock _____
Beach/Swimming _____	Fishing _____
Trout Fishing (natural) _____	Trout Fishing (put & take) _____
Picnic Areas _____	Adjacent Parkland _____
Road/Hiking Trail _____	Livestock Watering _____
within 100 feet _____	
List Endangered Species _____	
List Threatened Species _____	
Other _____	

Signature _____ Date _____

Title _____

III. The individual completing Section II must return the Original Form
to the address provided below by the DEQ, Water Division Regional
Office:

DEQ, Water Division Regional Office _____
Regional Office Contact _____
Address _____
Phone _____

(DEQ, Water Division Regional Office to copy Applicant)

APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form (cont.)

Request for Background Information for
DEQ, Water Division Consideration
of Modified Disinfection Requirements

I. To be completed and mailed by applicant:

Facility Name _____ VPDES # _____

Applicant's Name _____

Mailing Address _____

Phones _____

Stream/River _____ River Basin _____

City/County _____ Topographical map name _____

Impacted Stream Area (be specific; include upstream and downstream limits)

Outfall Location _____

Mail to: Local/District Planning Office

Address: _____

II. To be completed for the above impacted stream area by the Local/
District Planning Office:

CURRENT STREAM USES (Please indicate all uses known to your
organization)

Boating	_____	Boat Ramp/Dock	_____
Beach/Swimming	_____	Fishing	_____
Trout Fishing (natural)	_____	Trout Fishing (put & take)	_____
Picnic Areas	_____	Adjacent Parkland	_____
Road/Hiking Trail	_____	Livestock Watering	_____
within 100 feet			
List Endangered Species	_____		
List Threatened Species	_____		
Other	_____		

Signature _____ Date _____

Title _____

III. The individual completing Section II must return the Original
Form to the address provided below by the DEQ, Water Division
Regional Office:

DEQ, Water Division Regional Office _____

Regional Office Contact _____

Address _____

Phone _____

(DEQ, Water Division Regional Office to copy Applicant)

APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form (cont.)

Beneficial Use Attainability Information for Evaluation
of Request for Modification of Sewage
Effluent Disinfection Requirement

I. To be completed by applicant:

Background Information for Submission to the Virginia Department of Health
(VDH)

Applicant's Name _____

Address _____

Phones (Office) ____/____ (Home) ____/____

Treatment Works _____

Discharge Flow (max/avg) gpd _____

Stream/River _____ River Basin _____

City/County _____ Topographical map name _____

Impacted Stream Features above and up to five miles below, discharge:

Mail to: The appropriate Regional Office of the Office of Water Programs, VDH
(Abingdon, Culpeper, Danville, Lexington, Richmond, Southeast Virginia)

II. To be completed by OWP RO Staff and LHD Staff from site inspection
at and downstream from the discharge location:

CURRENT AND POTENTIAL STREAM USES (Please indicate type of Access)

Surface Water Supplies	_____	Commercial or State	_____
Beach/Swimming/Shellfish Waters	_____	Boat Ramp/Moorings(1)	_____
Adjacent Private Residences(1)	_____	Private Ramps/Docks	_____
Adjacent Commercial Areas(1)	_____	Fishing Access	_____
Shoreline Campground/Picnic Areas	_____	Bridge Crossing Access	_____
Access from Rd./Hiking Trail(s)	_____	Livestock Watering(2)	_____
within 100 feet	_____	Crop Irrigation(2)	_____
Comments:	_____		

- (1) Please note any potential development sites (local planning and zoning).
(2) Please contact the extension agent or VDACS if use is suspected.

Signature _____ Date _____

Title _____

III. Return Original Form To:

DEQ, Water Division Regional Office _____
Regional Office Contact _____
Address _____
Phone ____/____

Provide copies to: Applications Engineer, VDH-OWP, Madison Bldg, Rm. 927, Richmond,
VA 23219. Permits Section, OWRM, DEQ, Water Division, Richmond, VA.

APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form (cont.)

Request for Background Information for
DEQ, Water Division Consideration
of (check one): ☐ Chlorine Exception
☐ Modified Disinfection Requirements

I. To be completed and mailed by applicant:

Facility Name _____ VPDES # _____
Applicant's Name _____
Mailing Address _____
Phone(s) _____
Stream/River _____ River Basin _____
City/County _____ Topographical map name _____
Impacted Stream Area (be specific; include upstream and downstream
limits) _____

Outfall Location _____

Mail to: Environmental Officer, Fish Div., Dept. Game & Inland Fisheries, P.O. Box
11104, Richmond, VA 23230

II. To be completed for the above impacted stream area by the
Environmental Office:

CURRENT STREAM USES (Please indicate all uses)

Boating	_____	Boat Ramp/Dock	_____
Wildlife Mgmt. Area	_____	Fishing	_____
Trout Fishing (natural)	_____	Trout Fishing (put & take)	_____

List Endangered Species _____

List Threatened Species _____

Other _____

Signature _____ Date _____

Environmental Officer
Fish Division
Department of Game and Inland Fisheries

III. The individual completing Section II must return the Original Form
to the address provided below by the DEQ, Water Division Regional
Office:

DEQ, Water Division Regional Office _____
Regional Office Contact _____
Address _____
Phone _____

(DEQ, Water Division Regional Office to copy applicant)

APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form (cont.)

E. Description of All Stations Approved by the DEQ, Water Division for Sampling for Fecal Coliforms (Attach additional pages if needed; mark station numbers on attached topo map):

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

DATE OF DEQ, WATER DIVISION APPROVAL:

DEQ, WATER DIVISION APPROVAL SIGNATURE: _____

Regional Director

APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form (cont.)

VI. WATER QUALITY AND STREAM USE SECTION

INSTRUCTIONS TO THE APPLICANT FOR COMPLETING THIS SECTION:

- A. Fill in Section I of the six request forms for background information and mail as instructed to the various organizations in order to obtain some of the information needed to complete this section. (Complete the VMRC form only if the discharge is in the applicable portions of the DEQ Tidewater, Northern, or Piedmont Regions.)**
- B. The applicant will also collect any additional information needed for completion of the impacted area summary form at the time of the fecal coliform sampling.**
- C. Using the information collected from B, complete the fecal coliform report form for the stream segment as described in Section V, Item E.**
- D. Using the information collected from A and B above, complete the Impacted Area Summary Form.**
- E. Use the following symbols to indicate the source of the information provided on the stream use forms:**
 - F = Department of Game and Inland Fisheries**
 - A = Local agricultural extension agent**
 - H = Local Health Department**
 - P = Local or district planning office**
 - C = Department of Conservation and Recreation**
 - O = Observations made during field survey**
 - M = Virginia Marine Resources Commission**
- F. Attach photographs of the discharge point (cross section and facing downstream), any road crossings, and at least one cross section and long view print wherever fecal coliform samples were collected.**
- G. After sections V and VI are completed, the applicant should submit the completed forms to the DEQ, Water Division Regional Office with a transmittal letter on company/governmental Jurisdiction letterhead signed in accordance with signature requirements contained in VR680-14-01.**

APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form (cont.)

INSTRUCTIONS: SECTION IV IS TO BE COMPLETED BY THE DEQ, WATER
DIVISION REGIONAL OFFICE

IV. DECISION REGARDING PERMITTEE'S ELIGIBILITY FOR A SITE SPECIFIC
DETERMINATION OF APPROPRIATE DISINFECTION LEVELS:

___ Request approved contingent upon permittee receiving DEQ,
Water Division Regional Office approval of fecal coliform
sampling stations. It is the responsibility of the
permittee to contact the DEQ, Water Division Regional
Office regarding the sampling stations.

___ Request disapproved for the following reason(s):

___ The discharge is located within fifteen miles upstream
or one tidal cycle downstream of a water supply intake,

___ The discharge is located within five miles upstream of
shellfish waters, or

___ Other (describe): _____

___ VDH recommended disapproval for the following reason: _____

___ No decision made because information was missing. Please
complete the following missing sections and resubmit:

Date: _____

Signature: _____

Regional Director

APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form (cont.)

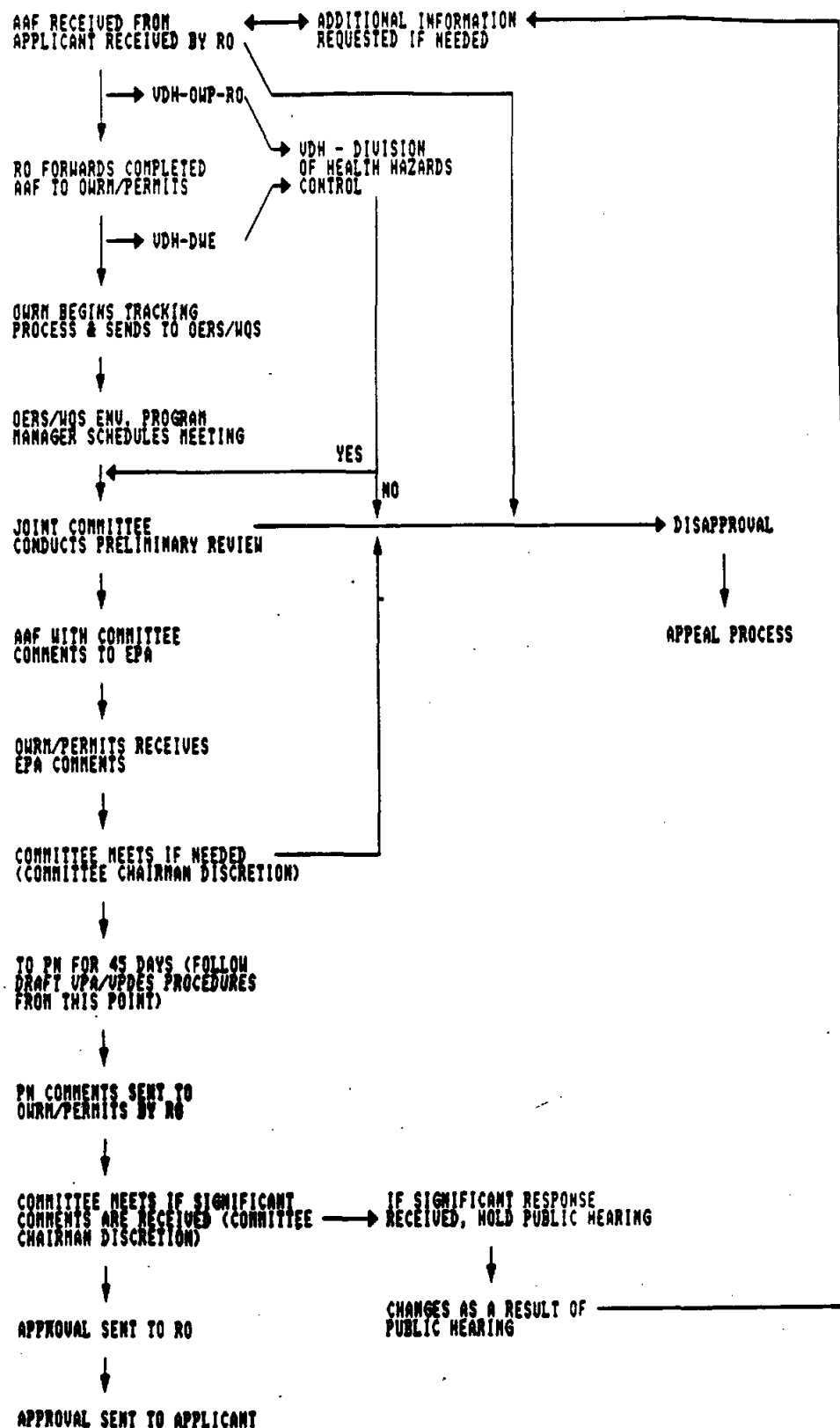
INSTRUCTIONS: A draft version of Section V is to be prepared by the permittee and presented to the DEQ, Water Division Regional Office for approval before commencing sampling. Following DEQ, Water Division approval of the estimates proposed by the applicant, a final version of Section V will be completed by the applicant and submitted to the DEQ, Water Division Regional Office for approval on the signature line by the Regional Director or a designated representative. The following minimum requirements must be followed:

1. Calculate dilution flow.
 2. Conduct survey only during the months of May through October.
 3. Collect replicate bacterial samples at each station.
 4. Do not collect samples within 48 hours of a precipitation event.
 5. Collect samples at a representative reference station above the outfall, below the outfall mixing area but before the confluence with another water body, and from other representative areas in the estimated impact area.
- V. IDENTIFICATION OF IMPACTED AREA AND SAMPLING STATIONS TO CHARACTERIZE THE FECAL COLIFORM CONCENTRATION OF TREATED BUT UNDISINFECTED EFFLUENT:
- A. Estimate of potential stream miles or surface acres affected (fecal coliform values $>200/100$ ml) if disinfection waived (attach calculations)
 - B. Description of the Location of the Upper Limit of the Impacted Zone (be specific - include route numbers, distance in yards, etc.):

 - C. Description of the Location of the Lower Limit of the Impacted Zone:

 - D. Obtain the names and addresses of all property owners (or their representatives) within the affected area. Include this information as an attachment.

14.m. Modified Disinfection Requirements Processing Flow Chart



APPENDIX MN -- MUNICIPAL

n. Disinfection Waiver Form

DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION
BENEFICIAL USE-ATTAINABILITY ANALYSIS FORM
FOR MODIFIED DISINFECTION REQUIREMENTS

Follow instructions in attached protocol

INSTRUCTIONS: SECTIONS I-III ARE TO BE COMPLETED BY THE APPLICANT
AND SUBMITTED TO THE REGIONAL DIRECTOR OF THE DEQ, WATER DIVISION
REGIONAL OFFICE ISSUING THE PERMIT

I. PERMIT SPECIFICATIONS

- A. Name of Facility: _____
- B. VPDES Number: _____
- C. Name of Permittee: _____
- D. Mailing Address of Permittee: _____

- E. Telephone Number of Permittee: _____
- F. Location of outfall(s) for which alternative disinfection
limit(s) requested as described in the permit (attach
separate sheet if necessary): _____

- G. Estimated Maximum Discharge Flow (mgd): _____
- H. Estimated Average Discharge Flow (mgd): _____
- I. Identify all waste treatment unit operation processes:

- J. Water Quality Standards Stream Classification (Obtain from
VR 680-21-01.5) or cover page of most recent VPDES permit:
I ___, II ___, III ___, IV ___, V ___, VI ___
- K. Any Applicable Special Water Quality Standards (Obtain from
VR 680-21-08) or cover page of most recent VPDES permit:

APPENDIX MN -- MUNICIPAL

14. Modified Disinfection Requirements Protocol (cont.)

- d. Transmit the Use-Attainability Analysis section (**Sections IV through VI**) of the AAF to the applicant with the appropriate decision line checked and signed by the RD.
- e. Upon receipt of the completed AAF, the RO will forward the package to OWRM for transmission to The Water Quality Standards section of the Office of Environmental Research and Standards, (WQS/OERS). This transmittal shall include: the appropriate VDH, Virginia Marine Resources Commission (VMRC), Department of Conservation and Historic Resources, (DCHR), Department of Game and Inland Fisheries, (DGIF), Planning Offices and agricultural agent comments provided on the Beneficial Use Attainability Information form and the appropriate Request for Background Information forms.
- f. Upon receipt of complete information by WQS/OERS and a cursory review approval by the Environmental Program Manager for WQS, a meeting of the disinfection committee will be scheduled.

OERS will form a disinfection committee to review each request on a case-by-case basis. OERS will distribute copies of the form to each member for review before the meeting to make a preliminary assessment of the case. The membership of the committee shall be composed of at least one representative from the VDH and the following from the Department of Environmental Quality, Water Division:

- (1) a representative from WQS/OERS,
- (2) Regional Representative of the Office of Enforcement,
- (3) Regional Permit Writer,
- (4) a representative from OWRM Permits.

The 120-day period, specified in the permit regulation, the committee has to approve or disapprove a disinfection waiver begins when the AAF form is deemed complete.

- g. The committee will meet and make a recommendation conditional upon EPA review and comments received during the public notice of the VPDES permit action. Recommendations for approval of a disinfection reduction or waiver request requires EPA review.
- h. If the committee recommends disapproval of the reduced disinfection, the completed form is returned to the regional office with the recommendation. If the committee recommends conditional approval for reduced disinfection, OERS will submit the use-attainability analysis form to the Standards Division of Region III of the Environmental Protection Agency. EPA will have a minimum of 30 days review prior to public notice of the conditional approval of the reduced disinfection.

APPENDIX MN -- MUNICIPAL

14. Modified Disinfection Requirements Protocol (cont.)

If EPA comments cause significant changes or require additional information, OERS will send the appropriate information back to the RO. This determination will be made by the committee chairman. At the discretion of the chairman, the full disinfection committee may meet to discuss EPA's comments.

- i. The DEQ, Water Division will ensure public participation and comment by including a description of possible disinfection waiver effects in the public notice for VPDES permit action. A 45-day public notice period is required.
 - (1) The public notice should clearly state that direct contact or primary recreational water use in the impacted zone would represent an actual or potential health hazard.
 - (2) The notice should also describe the impacted zone in terms of local landmarks.
 - (3) The public notice shall be sent to property owners adjacent to the affected area. These adjacent property owners should be identified in the Disinfection Waiver Form, section V.
- j. If significant public comment is received, the committee will either turn down the proposed alternative disinfection limits or recommend that the agency go to public hearing. If no significant public comment is received, the committee will recommend one of three options:
 - (1) disinfection not needed,
 - (2) disinfection needed year round,
 - (3) disinfection needed seasonally.
- k. Once the public comment period has closed, a photocopy of the public record will be added to the beneficial use-attainability form and the combined DEQ/VDH committee will conduct a final review of the information.
- l. If modified disinfection requirements are granted, a follow-up beneficial use attainability analysis will be required every three years. This follow-up analysis shall consist of the permittee reevaluating section VI of the use-attainability form and resubmitting that portion of the form to the regional office for review and inclusion in the permit file. The permit will contain a special condition that provides for the permit to be reopened if there is a significant change in beneficial uses of the water body.
- m. Applicants who wish to appeal a committee decision have two options. One option is found in the VPDES Permit Manual in Section III, paragraphs B.17. and C.16. These procedures are derived from Section 62.1-44.25 of the State Water Control Law. A second option is formal judicial review.

APPENDIX MN -- MUNICIPAL

13. Section 5 of the Chlorine Policy Procedures (cont.)

- g. Guidance for Demonstration of Maintenance of Beneficial Uses -- This demonstration will be site specific and may require a biological field survey and/or chronic bioassay work on species of concern (surrogate species in the case of endangered species) with continuous input of chlorine to approximate discharge conditions. This portion of the study should be developed in accordance with the EPA Water Quality Standards Handbook, and the EPA Guidelines for Deriving National Water Quality Criteria for the Protection of Aquatic Organisms and their Uses ("Guidelines"). Copies of these documents have been submitted to the Regional Offices by OERS. As with the economic and social impact analysis, any discharger seeking a variance should first meet with OERS, RO, and OWRM staff to establish an acceptable protocol before undertaking a beneficial uses study.
- h. Procedural Steps for the Halogen Ban Variance:
- (1) Permittee requests variance through letter to Regional Office.
 - (2) Regional Office schedules meeting with permittee, OWRM, and OERS to give permittee guidance on how to do study.
 - (3) Permittee submits 5 copies of proposed work plan to Regional Office for distribution for Agency review.
 - (4) OWRM coordinates Headquarters review including OERS and responds to Region.
 - (5) Permittee submits 5 copies of final study report to Region for Agency Review.
 - (6) Region public notices intent to consider variance request during permit public notice.
 - (7) OERS makes determination on granting or denying request based on Agency review and public comments and submits recommendation to OWRM which forwards the decision to the Region.
 - (8) Normal procedures for issuance/reissuance or modification are followed at this point.

APPENDIX MN -- MUNICIPAL

14. Modified Disinfection Requirements Protocol

During the process of approving, issuing, or reissuing a VPDES permit, the DEQ, Water Division staff may consider, with the advice of the Virginia Department of Health (VDH) as described in regulation VR680-21-02.2, whether disinfection requirements may be modified through approval of requests for a disinfection reduction or waiver, as appropriate, on a seasonal or year-round basis. Case-by-case determinations concerning the appropriate level of disinfection for sewage discharges can be made only for discharges which are over fifteen miles upstream or more than one tidal cycle downstream of a water supply intake and/or discharge over five miles upstream of shellfish waters. The process for applying and receiving a reduced disinfection requirement is outlined in the following procedures.

- a. To apply for modified disinfection requirements in a VPDES permit, the owner or owner's agent must file an original and at least three (3) copies, of Sections I, II and III of the Beneficial Use - Attainability Analysis Form (AAF) for Modified Disinfection Requirements with the appropriate Department of Environmental Quality, Water Division Regional Office. All AAF's shall be signed in accordance with the Permit Regulation.
- b. Upon receipt of the Sections I, II, and III of the AAF, it shall be dated as to when it was received and then reviewed for completeness. The RO shall forward a copy of the form to the appropriate Virginia Department of Health (VDH) Regional Office.

For all modified disinfection requirement requests, a correct and properly filled out form is required before the request can be considered complete. The RO shall determine whether or not such requests are administratively complete within 14 days of receipt of the form. If the form has not been filled out completely and correctly by the permittee, the form must be returned with a letter noting the deficiencies and requesting they be corrected.

- c. Review the first three sections of the form to determine whether the permittee qualifies for consideration of a site specific determination of appropriate disinfection levels.

Disapproval of consideration shall be based on one of the following conditions:

- (1) VDH recommends disapproval of the request for reduced disinfection or a waiver
- (2) The discharge is located within fifteen miles upstream or one tidal cycle downstream of a water supply intake
- (3) The discharge is located within five miles upstream of shellfish waters.

APPENDIX MN -- MUNICIPAL

13. Section 5 of the Chlorine Policy Procedures (cont.)

- b. The second paragraph in Section 5 of the policy addresses conditions under which variances to the chlorine/halogen ban would be considered:

"Variance to this requirement shall not be made unless it has been affirmatively demonstrated that the beneficial uses of the water will be maintained and that either a change is justifiable to provide necessary economic or social development or the degree of waste treatment necessary to preserve the existing quality cannot be economically or socially justified."

- c. If any member of the regulated community decides to seek a variance to the halogen ban in natural trout waters, or waters containing endangered or threatened species, they will have to follow certain procedural requirements to demonstrate a justifiable variance to the requirement for alternative disinfection. The burden of proof is placed on the discharger rather than agency staff to provide evidence that they meet **one** of the two conditions required for consideration of a variance to the chlorine ban **and** that allowing chlorination/dechlorination rather than alternative disinfection would still maintain the beneficial uses of the water body.

In summary, the discharger must demonstrate the beneficial uses of the water will be maintained and that a variance to the halogen ban is justifiable because:

- it will provide necessary economic or social development, or
 - the degree of waste treatment necessary to preserve the existing quality cannot be economically or socially justified.
- d. Responsibility for Workplan and Subsequent Analysis -- The Regional Office Regulatory Services Division will be the initial contact with the discharger when a variance to the halogen ban is requested. The regional office

APPENDIX MN -- MUNICIPAL

13. Section 5 of the Chlorine Policy Procedures (cont.)

would then schedule and participate in a meeting (conference calls may be appropriate in some cases) with the discharger, OWRM permits and OERS for the purpose of providing guidance for the variance study. This meeting is necessary because of the case specific nature of each variance request. For example, the economic measures that would be used in such a study differ for municipal and industrial facilities. In all cases it should be recommended to the discharger that the DEQ, Water Division be given an opportunity to review the proposed workplan before the discharger performs the study. The discharger should submit five copies of the proposed workplan to the DEQ, Water Division Regional Office for review. For both the workplan and final study report, the transmittal should be from the regional office to OWRM. OWRM will then forward the document(s) to OERS for review, and OERS will provide their comments to OWRM. OWRM will provide OERS' comments to the regional office.

Five copies of the final study report should be submitted to the DEQ, Water Division Regional Office for regional and headquarters (OWRM and OERS) consideration of the variance request.

- e. In order to provide for public participation, a description of the possible variance shall be included in the Public Notice for VPDES action. If significant public comment opposing the exception is received, the options are to either:

- 1) recommend a public hearing be held, or
- 2) deny the variance.

- f. Guidance for economic and social impact analysis --
The guidance documents which the discharger should follow in conducting the economic impact analysis are the 1989 revised economic chapter (Section 5.5) in the EPA Water Quality Standards Handbook, and EPA's Economic Guidance Workbook for Water Quality Standards. The primary reference is the revised economics chapter in the Water Quality Standards Handbook which describes the appropriate measures for municipal and industrial facilities. OERS has distributed one copy of each document to the Regulatory Services Division of each regional office. It is the responsibility of the regional office to make this information available to dischargers seeking a variance prior to the joint headquarters/regional office meeting with the discharger.

APPENDIX MN -- MUNICIPAL

11. Chlorine Standard Exception Form

DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION
SITE-SPECIFIC
CHLORINE STANDARD EXCEPTION FORM
FOR STREAMS WITH INTERMITTENT FLOWS

INSTRUCTIONS: SECTIONS I-IV ARE TO BE COMPLETED BY THE APPLICANT AND SUBMITTED TO THE REGIONAL DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE ISSUING THE PERMIT.

I. PERMIT SPECIFICATIONS

Name of Facility: _____

VPDES Number: _____

Name of Permittee: _____

Mailing Address of Permittee: _____

Telephone Number of Permittee: _____

Location of outfall(s) for which chlorine standard exemption is requested as described in the permit (attach separate sheet if necessary): _____

Type of treatment: _____

Design Flow _____ MGD Actual Flow _____ MGD

Current unit operations resulting in disinfection: _____

Water Quality Standards Stream classification (Obtain from Permit cover page): I __, II __, III __, IV __, V __, VI __

Any Applicable Special Water Quality Standards (Obtain from Permit cover page): _____

APPENDIX MN -- MUNICIPAL

13. Chlorine Standard Exception Form (cont.)

II. WATER BODY DESCRIPTION

Name of Impacted Waterbody _____

Name of Nearest continuously flowing stream: _____

Total stream length _____ yds 7Q10 flow _____ cfs Mean flow _____ cfs

III. SITE-SPECIFIC EVALUATION

Date(s) of Site Visit _____

Investigator(s) _____

Please fill in the following information on the intermittent receiving stream/ditch as completely as possible:

Width of streambed/ditch to level bank: _____ ft.

Depth of streambed/ditch to level bank: _____ ft.

Drainage area above discharge: _____ acres

Distance (along ditch) from discharge to nearest continuously flowing stream: _____ yds.

Soil type in bottom of receiving stream/ditch: (check all that apply)
_____ sand _____ silt _____ clay _____ rock

Land use adjacent to & upstream of receiving stream/ditch: (check all that apply)

_____ forest
_____ field
_____ pasture
_____ agriculture

_____ residential
_____ picnic grounds/parks
_____ commercial/industrial
_____ other: _____

Percent vegetative growth in receiving stream/ditch:

_____ 91-100%
_____ 61-90%

_____ 31-60%
_____ 0-30%

Vegetative growth type:

_____ grasses
_____ woody shrubs
_____ trees
_____ algae

_____ cattails
_____ herbaceous (leafy,
soft-stemmed) plants
_____ other: _____

APPENDIX MN -- MUNICIPAL

9. Section 4b of the Chlorine Policy Procedures (cont.)

- d.** Once the submittal is deemed complete, the regional biologist and other regional personnel deemed appropriate by the Regional Director should review the submittal for completeness and eligibility for a chlorine standard exception.
- j.** Once the Regional Director's approval or disapproval of the recommendation is obtained, the permit can be processed in the normal fashion. For those chlorine standard exceptions that are approved, a description of the exception under consideration must be included in the public notice for the permit action.

10. Section 4c of the Chlorine Policy Procedures

This section states that exceptions may be allowed on a case-by-case basis when the following condition is applicable:

"Discharge of intermittently chlorinated water (not more than two hours in any eight hour period)."

- a.** In order to justify an exception to the chlorine standard under this category, the discharger shall be required to develop site specific criteria for chlorine which would protect water quality from intermittent point source discharges of chlorine, such as certain discharges from the steam electric utility industry. However, in no case should the site specific instream criteria developed result in an effluent limit for chlorine that exceeds the technical limit of 0.2 mg/l provided as Environmental Protection Agency effluent guidance for power plants in 40 CFR, Part 423.
- b.** Any discharger seeking such an exception should first meet with OERS and the RO staff to establish an acceptable protocol for the study. Study results would be reviewed by OERS staff and appropriate recommendations, in terms of any adjustments in the applicable chlorine standard will be provided to OWRM and then transmitted to the RO.

APPENDIX MN -- MUNICIPAL

10. Chlorine Standard Exception Form (≤ 1000 GPD)

DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION
Site-Specific for Sewage Discharges Equal To or Less Than 1000 GPD
Chlorine Standard Exception Form
For Streams with Intermittent Flows

Water Body: _____

DEQ Region: _____ River Basin: _____

Date(s) of Site Visit: _____ Investigator: _____

Permit Number: _____ Facility Name: _____

Facility Location: _____

Permitted Flow(Q_w): _____ (MGD) Type of Treatment: _____

Site-Specific Evaluation

1. Estimate of potential stream miles or surface acres affected if chlorine standard exception is allowed (attach calculations and map of affected area) _____

2. Were natural trout or endangered species present? ____ Yes ____ No
3. Physical characteristics of stream to include stream length, substrate and bank characteristics (include habitat suitability for aquatic life) _____

4. Source of water in the receiving stream, i.e. storm water runoff, springs _____

5. Mass Balance calculation for Chlorine Residual at confluence of the all weather stream.

Q_r = 7Q10 of receiving stream (the stream that the intermittent stream flows to)

C_o = Instream Chlorine Value (Wtr Qual Std = 0.011 mg/l)

C_w = Chlorine limitation of discharge

$$C_w = [(Q_r + Q_w) \times C_o] \div Q_w$$

$$C_w = \text{_____ mg/l}$$

Mass Balance Chlorine will mix away? Yes ____ No ____
If No, then dechlorination is required.

APPENDIX MN -- MUNICIPAL

6.a. Chlorine Permit Conditions

The chart below is used to establish interim chlorine limitations when dechlorination is required or to establish final limits when dechlorination is not required.

Treatment Plant Size		> 2.0 MGD	1.001-2.0 MGD	0.101-1.0 MGD	0.401-0.1 MGD	0.001-0.04 MGD	≤1000 gpd
Testing (No./Day)		12/D	6/D	3/D	3/D	1/D	1/YR
PWS and Shellfish Waters	[A]	90	54	27	32	12	1.5-2.5
	[B]	1.5-2.5	1.5-2.5	1.5-2.5	1.5-2.5	1.5-2.5	
	[C]	3	3	2	2	2	
	[D]	1.0-3.0	1.0-3.5	1.0-3.5	1.0-4.0	1.0-4.0	
Other State Waters	[A]	90	54	27	32	12	1.0-2.0*
	[B]	1.0-2.0	1.0-2.0	1.0-2.0	1.0-2.0	1.0-2.0	
	[C]	3	3	2	2	2	
	[D]	0.5-2.5	0.5-3.0	0.5-3.0	0.5-3.5	0.5-3.5	

PERMIT CONDITIONS for use on the Part 1 (A) or Part 1 (B) page of the Permit

- a) No more than [A] of all total chlorine residual analyses shall be outside the range [B] mg/l for any one calendar month.
- b) Any [C] consecutive test results not within the range [D] mg/l shall be immediately reported in accordance with paragraph F(2) of Part II.
- c) No single TRC analysis shall exceed [**] mg/l at any time.

EXAMPLE

Part 1 (B) Chlorine Residual Limits for a Plant of 1.5 MGD Flow into Shellfish Waters

- a) No more than 54 of all total residual chlorine analyses shall be outside the range 1.5 through 2.5 mg/l for any one calendar month.
- b) Any 3 consecutive test results not within the range 1.0 through 3.5 mg/l shall be immediately reported in accordance with paragraph F(2) of Part II.
- c) No single TRC analysis shall exceed [**] mg/l at any time.

* Use as instantaneous min. & max. limits -- No exceptions when monitoring less than 1/D.

** Calculated Technical Maximum Value

APPENDIX MN -- MUNICIPAL

7. Exceptions To The Chlorine Standard

The State Water Control Board, in its adoption of the Chlorine Standard, adopted a Policy for implementation of the standard in surface waters. VR680-21-01.11 paragraph B. states, in part:

"...these concentrations shall apply to all surface waters of the Commonwealth except where the permittee can demonstrate to the Board that exceptions may be allowed without resulting in damage to aquatic life."

In addition, Section 1.11 B.4 of the Policy states:

"4. Exceptions to these concentrations may be allowed by the Board only upon a case-by-case demonstration by the permittee. These case-by-case demonstrations shall contain both alternative instream concentrations and appropriate permit limitations to protect beneficial uses. Exceptions may be considered for only the following situations:

- a. The nature of the receiving waters or the nature and composition of the chlorine discharged are such that this TRC or CPO concentration is not necessary to protect aquatic life.
- b. Receiving streams, such as drainage ditches, whose nature is such that they cannot reasonably be expected to support the propagation and growth of aquatic life and do not provide reasonable beneficial uses with respect to aquatic life. Compliance shall nonetheless be required where these waters discharge into other State waters capable of sustaining reasonable beneficial uses. In such situations, the Board may place effluent limits at the confluence of these two waters.
- c. Discharge of intermittently chlorinated water (not more than two hours in any eight hour period)."

The Policy is very clear in that it is the responsibility of the permittee to demonstrate on a case-by-case basis that an exception to the chlorine concentration may be allowed without resulting in damage to aquatic life. It was not the intent of the Policy to place a larger workload on the RO. If a discharger requests a chlorine standard exception, it is the discharger's responsibility to provide the information that supports that request. If, in hardship cases, the RO decides to assist a discharger in providing this demonstration, the Region should be sure the permittee 1) understands that the demonstration may not be successful and 2) is kept informed of what is happening.

OERS and OWRM staff have developed procedures which shall be implemented when advising permittees seeking exceptions from the chlorine standard. These procedures are intended to apply to those permittees seeking exceptions under sections 4.a., 4.b., and 4.c of the chlorine policy. Procedures for these exceptions are discussed separately below.

APPENDIX MN -- MUNICIPAL

D.5. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 9 of 10

Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee;

11. When the permittee begins or expects to begin to use or manufacture any toxic pollutant not reported in the application; and
12. When other States were not notified of the change in the permit and their waters may be affected by the discharge.

Q. Permit Termination

After public notice and opportunity for a hearing, the permit may be terminated on any of the following grounds:

1. The permittee has violated any regulation or order of the State Water Control Board, any condition of a permit, any provision of the Law, or any order of a court, where such violation results in a release of harmful substances into the environment or poses a substantial threat of release of harmful substances into the environment or presents a hazard to human health or the violation is representative of a pattern of serious or repeated violations which in the opinion of the State Water Control Board, demonstrates the permittee's disregard for or inability to comply with applicable laws, regulations or requirements;
2. The permittee has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a permit, or in any other report or document required under applicable laws or regulations;
3. The activity for which the permit was issued endangers human health or the environment and can be regulated to acceptable levels by modification or termination of the permit; or
4. There exists a material change in the basis on which the permit was issued that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit necessary to protect human health or the environment.

R. Civil and Criminal Liability

Except as provided in permit conditions on "bypassing" (Part III.G.), and "upset" (Part III.H.) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

APPENDIX MN -- MUNICIPAL

D.5. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 10 of 10

S. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or Sections 62.1-44.34:14 through 62.1-44.34:23 of the Law.

T. Unauthorized Discharge of Pollutants

Except in compliance with this permit, it shall be unlawful for any permittee to:

1. Discharge into State waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such State waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

APPENDIX MN -- MUNICIPAL

D.5. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 7 of 10

4. To sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and
5. To inspect at reasonable times any collection, treatment, pollutant management activities or discharge facilities required under this permit.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained herein shall make an inspection time unreasonable during an emergency.

N. Transferability of Permits

This permit may be transferred to another person by a permittee if:

1. The current owner notifies the Department of Environmental Quality, Water Division Regional Office 30 days in advance of the proposed transfer of the title to the facility or property;
2. The notice to the Department of Environmental Quality, Water Division Regional Office includes a written agreement between the existing and proposed new owner containing a specific date of transfer of permit responsibility, coverage and liability between them; and
3. The Department of Environmental Quality does not within the 30-day time period notify the existing owner and the proposed owner of the State Water Control Board's intent to modify or revoke and reissue the permit.

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

O. Public Access to Information

All information pertaining to permit processing or in reference to any source of discharge of any pollutant, shall be available to the public, unless the information has been identified by the applicant as a trade secret, of which the effluent data remain open public information. All information claimed confidential must be identified as such at the time of submission to the Department of Environmental Quality and/or EPA. Otherwise, all information will be made available to the public. Notwithstanding the foregoing, any supplemental information that the Department of Environmental Quality may obtain from filings made under the Virginia Toxics Substance

APPENDIX MN -- MUNICIPAL

D.5. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 8 of 10

Information Act (TSIA) shall be subject to the confidentiality requirements of TSIA.

P. Permit Modification

The permit may be modified when any of the following developments occur:

1. When additions or alterations have been made to the affected facility which require the application of permit conditions that differ from those of the existing permit or are absent from it;
2. When new information becomes available about the operation, pollutant management activity or discharge covered by this permit which was not available at permit issuance and would have justified the application of different permit conditions at the time of permit issuance;
3. When a change is made in the promulgated standards or regulations on which the permit was based;
4. When it becomes necessary to change final dates in compliance schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Clean Water Act;
5. When a variance is requested and after the granting of the variance by EPA;
6. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of Section 307(a) of the Clean Water Act;
7. When changes occur which are subject to "Reopener Clauses" in the permit;
8. When the permittee requests the Director, Department of Environmental Quality to allow "net limitations" to take into account pollutants in the permittee's intake water and the Director, Department of Environmental Quality agrees to allow the use of net limitations;
9. When changes occur in the development and implementation of a pretreatment program;
10. When the level of discharge of or management of a pollutant not limited in the permit exceeds applicable

APPENDIX MN -- MUNICIPAL

D.5. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 5 of 10

reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.); and

- b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down-time. However, if a bypass occurs during normal periods of equipment down-time, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.
2. Unplanned Bypass - If an unplanned bypass occurs, the permittee shall notify the Department of Environmental Quality, Water Division Regional Office as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in Part III.G.1. above and in light of the information reasonably available to the owner at the time of the bypass.

H. Conditions Necessary to Demonstrate an Upset

A permittee may claim an upset as an affirmative defense to an action brought for noncompliance for only technology-based effluent limitations. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;
2. The facility permitted herein was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;
3. The permittee submitted a notification of noncompliance as required by Part II.F. above; and
4. The permittee took all reasonable steps to minimize or correct any adverse impact to State waters resulting from noncompliance with the permit.

APPENDIX MN -- MUNICIPAL

D.5. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 6 of 10

I. Compliance With State and Federal Law

Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under Section 307(a) of the Clean Water Act.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other State law or regulation or under authority preserved by Section 510 of the Clean Water Act.

J. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or Local Laws or regulations.

K. Severability

The provisions of this permit are severable.

L. Duty to Reapply

At least 180 days before the expiration date of this permit, unless permission for a later date has been granted by the Director, Department of Environmental Quality, the permittee shall submit a new application for a permit.

M. Right of Entry

The permittee shall allow authorized State and Federal representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;
2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;

APPENDIX MN -- MUNICIPAL

D.5. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 3 of 10

anticipating he will not comply with the requirements in the above paragraph. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

C. Treatment Works Operation and Quality Control

1. Design and operation of facilities and/or treatment works and disposal of all wastes shall be in accordance with the application filed with the Department of Environmental Quality and in conformity with the conceptual design, or the plans, specifications, and/or other supporting data approved by the Director, Department of Environmental Quality. The approval of the treatment works conceptual design or the plans and specifications does not relieve the permittee of the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design and/or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.
2. All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:
 - a. At all times, all facilities and pollutant management activities shall be operated in accordance with the terms and conditions of the Certificate To Operate (CTO) and/or approved Operation and Maintenance (O&M) Manual, if applicable, and in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to State waters.
 - b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit.
 - c. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring and/or limitation requirements are not violated.
 - d. Collected sludges shall be stored in such a manner as to prevent entry of those wastes (or runoff from the wastes) into State waters, and disposed of in accordance with this permit or plans approved by the Director, Department of Environmental Quality.

APPENDIX MN -- MUNICIPAL

D.5. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 4 of 10

D. Adverse Impact

The permittee shall take all feasible steps to minimize any adverse impact to State waters resulting from noncompliance with any limitation(s) and/or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) and/or conditions.

E. Duty to Halt, Reduce Activity or to Mitigate

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Structural Stability

The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

G. Bypassing

Any bypass ("Bypass - means intentional diversion of waste streams from any portion of a treatment works") of the treatment works herein permitted is prohibited unless:

1. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, the permittee shall notify the Department of Environmental Quality, Water Division Regional Office promptly at least 10 days prior to the bypass. After considering its adverse effects the Department of Environmental Quality, Water Division Regional Office Director may approve an anticipated bypass if:
 - a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can

APPENDIX MN -- MUNICIPAL

D.5. Part III Management Requirements

Permit No. VA0000000
Part III
Page 1 of 10

MANAGEMENT REQUIREMENTS

A. Change in Discharge or Management of Pollutants

1. Any permittee proposing a new discharge or the management of additional pollutants shall submit a permit application at least 180 days prior to commencing erection, construction, or expansion or employment of new pollutant management activities or processes at any facility. There shall be no commencement of treatment or management of pollutants activities until issuance of a permit.
2. All discharges or pollutant management activities authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new application 180 days prior to all expansions, production increases, or process modifications, that will result in new or increased pollutants. The discharge or management of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.
3. The permittee shall promptly provide written notice of the following:
 - a. Any new introduction of pollutant(s), into treatment works or pollutant management activities which represents a significant increase in the discharge or management of pollutant(s) which may interfere with, pass through, or otherwise be incompatible with such works or activities, from an establishment, treatment works, or discharge(s), if such establishment, treatment works, or discharge(s) were discharging or has the potential to discharge pollutants to State waters; and,
 - b. Any substantial change, whether permanent or temporary, in the volume or character of pollutants being introduced into such treatment works by an establishment, treatment works, pollutant management activities, or discharge(s) that was introducing pollutants into such treatment works at the time of issuance of the permit.
 - c. Any reason to believe that any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification

APPENDIX MN -- MUNICIPAL

D.5. Management Requirements (cont.)

Permit No. VA00000006
Part III
Page 2 of 10

levels":

- (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five times the maximum concentration value reported for the pollutant in the permit application; or
 - (4) The level established in accordance with regulation under Section 307(a) of the Act and accepted by the Director, Department of Environmental Quality.
- d. Any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following "notification levels":
- (1) Five hundred micrograms per liter (500 ug/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application;
 - (4) The level established by the Director, Department of Environmental Quality.

Such notice shall include information on: (1) the characteristics and quantity of pollutants to be introduced into or from such treatment works or pollutant management activities; (2) any anticipated impact of such change in the quantity and characteristics of the pollutants to be discharged from such treatment works or pollutants managed at a pollutant management activity; and (3) any additional information that may be required by the Director, Department of Environmental Quality.

B. Operator Requirements

1. If specified in Part I of this permit, the permittee shall employ or contract at least one operator who holds a current wastewater license appropriate for the permitted facility or the pollutant management activity.
2. The permittee shall notify the Department of Environmental Quality, Water Division Regional Office in writing whenever he is not complying, or has grounds for

APPENDIX MN -- MUNICIPAL

D.4. Monitoring and Reporting (cont.)

Permit No. VA0000000
Part II
Page 3 of 3

submit to the Department of Environmental Quality, Water Division Regional Office with the monitoring report at least the following information:

- a. A description and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times and/or the anticipated time when the noncompliance will cease; and
- c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Whenever such noncompliance may adversely affect State waters or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The Department of Environmental Quality, Water Division Regional Office Director may waive the written report requirement on a case by case basis if the oral report has been received within 24 hours and no adverse impact on State waters has been reported.

3. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter State waters. The permittee shall provide information specified in Part II.F.2.a-c. regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.

Unusual or extraordinary discharge would include but not be limited to (1) unplanned bypasses, (2) upsets, (3) spillage of materials resulting directly or indirectly from processing operations or pollutant management activities, (4) breakdown of processing or accessory equipment, (5) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities or pollutant management activities, or (6) flooding or other acts of nature.

If the Regional Office cannot be reached, the Department of Environmental Quality maintains a 24-hour telephone service in Richmond (804-527-5200) to which the report required above is to be made.

APPENDIX MN -- MUNICIPAL

APPENDIX MN -- MUNICIPAL

D.4. Part II Monitoring and Reporting

Permit No. VA0000000
Part II
Page 1 of 3

MONITORING AND REPORTING

A. Sampling and Analysis Methods

1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.
2. Unless otherwise specified in the permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act as published in the Federal Register (40 CFR Part 136).
3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.
4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The date, exact place and time of sampling or measurements;
2. The person(s) who performed the sampling or measurements;
3. The dates analyses were performed;
4. The person(s) who performed each analysis;
5. The analytical techniques or methods used; and
6. The results of such analyses and measurements.

C. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for three (3) years from the date of the sample, measurement, report or application.

APPENDIX MN -- MUNICIPAL

D.4. Monitoring and Reporting (cont.)

Permit No. VA0000000
Part II
Page 2 of 3

This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Director, Department of Environmental Quality.

D. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the monitoring report. Such increased frequency shall also be reported.

E. Water Quality Monitoring

The Director, Department of Environmental Quality may require every permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutant(s) on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Clean Water Act or the State Water Control Board's Permit Regulation.

The permittee shall obtain and report such information if requested by the Director, Department of Environmental Quality. Such information shall be subject to inspection by authorized State and Federal representatives and shall be submitted with such frequency and in such detail as requested by the Director, Department of Environmental Quality.

F. Reporting Requirements

1. The permittee shall submit to the Department of Environmental Quality, Water Division Regional Office, at the following address by the 10th of each month for the preceding month's performance, an original monitoring report. In addition, a monthly report covering the facility's general operational data may be required. If this report is required, the permittee will be so notified.
Send report to:

(Name and address of Regional Office.)

2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall

APPENDIX MN -- MUNICIPAL

D.2. Part I B. Other Requirements & Special Conditions

Permit No. VA0000000
Part I
Page of

B. Other Requirements and Special Conditions

1. **95% of Design Capacity Special Condition** (To be used in all municipal permits) -- A plan of action for ensuring continued compliance with the terms of this permit shall be submitted to **(Insert RO address)** when the monthly average flow influent to the sewage treatment plant reaches 95 percent of the design capacity authorized in this permit for each month of any three consecutive month period. The plan of action shall be received at the **(Insert Regional Office)** no later than **90 days** from the third consecutive month for which the flow reached 95 percent of the design capacity. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of this permit.
2. **CTC, CTO, O&M Manual Requirement** (To be used in all municipal permits where the design flow is > 1000 gpd) -- The permittee in accordance with the Sewerage Regulations shall obtain a Certificate to Construct (CTC), and a Certificate to Operate (CTO) from the DEQ, Water Division prior to constructing wastewater treatment facilities and operating the facilities, respectively. The permittee shall submit for approval an Operations and Maintenance (O&M) Manual to **(insert RO address)**. Non-compliance with the CTC, CTO, or O&M manual shall be deemed a violation of the permit.
3. **CTO Requirement** (To be used in all municipal permits where the design flow is \leq 1000 gpd**) -- The permittee, in accordance with the Sewerage Regulations, shall obtain a Certificate to Operate (CTO) from the DEQ, Water Division prior to operating the facilities. Non compliance with the CTO shall be deemed a violation of the permit.
4. **Licensed Operator Requirement** (To be used when a licensed operator is required) -- A class licensed operator is required at this permitted facility.
5. **Chlorine Standard Exception Condition** (Use when an exception to the chlorine standard has been granted) -- The effluent limitations and monitoring requirements in this permit reflect the allowance of an exception to the chlorine standard in accordance with Section VR680-21-01.11 of the State Water Control Board's Water Quality Standards.

**** For those facilities not registered under the General Permit.**

APPENDIX MN -- MUNICIPAL

D.2 Part I B. Other Requirements & Special Conditions (cont.)

Permit No. VA0000000
Part I
Page of

B. Other Requirements and Special Conditions (cont.)

6. **Nutrient Reopener** (Use for discharges into Nutrient Enriched Waters) -- This permit shall be modified or alternatively revoked and reissued to include new or alternative nutrient limitations should the State Water Control Board adopt nutrient standards for the Chesapeake Bay and tributary river basins, or if a future water quality regulation, statute, or water quality management plan requires new or alternative nutrient control.
7. **Pretreatment Program**
Please refer to the Pretreatment Manual for the most recent version of the wording associated with the required Pretreatment Special Conditions.
8. **New discharges that are permitted from application Form 2E**
In accordance with the requirements of VPDES application Form 2E, the permittee shall complete and submit Item IV of Form 2E for each outfall, no later than two years following the permit's effective date, or the commencement of discharge if later than the permit's effective date. Following an evaluation of the required information, this permit may be modified or, alternatively, revoked and reissued in order to incorporate additional or different permit conditions.
9. **Sludge Reopener** (Use for all major POTW permits)
This permit shall be modified, or alternatively, revoked and reissued to comply with any applicable regulations promulgated under Section 405(d) of the Clean Water Act.

* When any chlorine language is used, make Part I. B. above the next sequential letter. (An example is when the chlorine language Part I. B., C., and D. are used, this Part I. B. will become E.)

APPENDIX MN -- MUNICIPAL

D.1 Municipal Permit Cover Page

(PTS generated)

DEQ Letterhead

Permit No.:
Effective Date:
Expiration Date:

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit.

Owner: (Name of Owner)
Facility Name: (Name of Facility)
City:
County:
Facility Location:

The owner is authorized to discharge to the following receiving stream:

Stream: (Receiving Waters name)
River Basin:
River Subbasin:
Section:
Class:
Special Standards:

The authorized discharge shall be in accordance with this cover page Part I - Effluent Limitations and Monitoring Requirements, Part II - Monitoring and Reporting Requirements, Part III - Management Requirements, and Attachments as set forth herein.

Director, Department of Environmental Quality

Date

APPENDIX MN -- MUNICIPAL

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

V H. Approval Memorandum Denial Format (Request for Board Action)

SUBJECT: Denial of VPDES Permit Application dated _____
(facility name, location)

TO: Director

FROM: Permits Program Manager (non-delegated)
Water Resources Manager (delegated)

DATE: (date signed)

COPIES: RO, OWRM, VDH-HQ-RO (for municipals only)

Legal Name of Owner:

Type of Discharge: Proposed (Industrial/Municipal)
Discharge

Receiving Stream: Stream:, Basin:, Subbasin: (if no
Subbasin - N/A), Section: Class:,
Special Standards:

Previous Board Action: Summarize any previous
Board/Director/OE actions directly
related to the proposed denial (if
none, state none).

Staff Comments: Briefly explain the reasons for
the proposed denial.

Briefly summarize DEQ, Water
Division or owner actions related
to the denial.

Additional comments to include
previous application or permit
activity.

Public Notice: The denial has received public
notice in accordance with the
Permit Regulation and responses to
the public notice indicate that
the denial (is or is not)
controversial. (Provide detailed
description if it is
controversial. Owner objections
shall be considered controversial.
Provide public hearing date and
reference the background
memorandum).

OR

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

V H. Approval Memorandum Denial Format (cont.)

The staff believes the denial is controversial. However, the staff addressed all comments satisfactorily and did not believe a public hearing was necessary. (Describe how the controversy was addressed.)

OR

The denial received public notice in accordance with the Permit Regulation, and no comments were received.

STAFF RECOMMENDATIONS:

The staff recommends that the State Water Control Board deny VPDES Permit No. VA00_____ (or application dated _____ if no permit number was issued).

APPROVED: _____ DISAPPROVED: _____

DATE: _____

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

V G. Approval Memorandum for Recommending a Public Hearing (Denial)

SUBJECT: Denial of VPDES Permit Application dated _____
(facility name, location)

TO: Director

FROM: Regional Director (delegated)
Permits Program Manager (non-delegated)

DATE: (date signed)

COPIES: VDH (for municipals only)

Legal Name of Owner:

Type of Discharge: Proposed (Industrial/Municipal)
Discharge

Receiving Stream: Stream:, Basin:, Subbasin: (if no
Subbasin - N/A), Section: Class:,
Special Standards:

Previous Board Action: Summarize any previous
Board/Director/OE actions directly
related to the proposed denial (if
none, state none).

Staff Comments: Briefly explain the reasons for
the proposed denial.

Briefly summarize DEQ, Water
Division or owner actions related
to the denial.

Additional comments to include
previous application or permit
activity.

Public Notice: The denial has received public
notice in accordance with the
Permit Regulation and responses to
the public notice indicate that
the denial is controversial.
(Provide detailed description of
controversy. Owner objections
shall be considered controversial.
Provide proposed public hearing
date and reference the background
memorandum).

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

V G. Approval Memorandum Denial Format (cont.)

STAFF RECOMMENDATIONS:

The staff recommends that a public hearing be convened before the State Water Control Board to receive oral and written testimony concerning the denial of VPDES Permit No. VA00_____ (or application dated _____ if no permit number was issued).

APPROVED: _____ DISAPPROVED: _____

DATE: _____

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

V F. Approval Memorandum for Public Noticing an Intent to Deny (Use to obtain Director concurrence on denial prior to Public Notice)

SUBJECT: Denial of VPDES Permit Application dated _____
(facility name, location)

TO: Director

FROM: Permits Program Manager (non-delegated)
Water Resources Manager (delegated)

DATE: (date signed)

COPIES: RO, OWRM, VDH-HQ-RO (for municipals only)

Legal Name of Owner:

Type of Discharge: Proposed (Industrial/Municipal)
Discharge

Receiving Stream: Stream:, Basin:, Subbasin: (if no
Subbasin - N/A), Section: Class:,
Special Standards:

Previous Board Action: Summarize any previous
Board/Director/OE actions directly
related to the proposed denial (if
none, state none).

Staff Comments: Briefly explain the reasons for
the proposed denial.

Briefly summarize DEQ, Water
Division or owner actions related
to the denial.

Additional comments to include
previous application or permit
activity.

STAFF RECOMMENDATIONS:

The staff recommends that the Director approve the Public Noticing of
the intent to deny VPDES Permit No. VA00 _____ (or application dated
_____ if no permit number was issued).

APPROVED: _____ DISAPPROVED: _____

DATE: _____

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

V E. Application Withdrawal Form

SUBJECT: WITHDRAWAL OF VPDES PERMIT APPLICATION DATED _____

TO: (DEQ, Water Division Regional Office Address)

OWNER: (Full name as on application)
(address)

Application Withdrawal

I hereby agree to withdraw my VPDES Permit application dated
_____ .

SIGNED: _____

TITLE: _____

DATE: _____

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

V D. Notice of Intent to Deny

Regional Letterhead

Date

Owner's Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Applicant,

RE: Application for VPDES permit dated _____, (facility name, location)

The Virginia Department of Environmental Quality intends to recommend denial of your request for a VPDES permit based on the information contained in the application referenced above.

You may modify the application to comply with the conditions as stated below, or you may withdraw the application. The recommendation will be reconsidered if you make these modifications. If you take no action, the staff will forward the application to the State Water Control Board with the recommendation for denial.

If you intend to modify the application, please notify this office in writing within 14 days. Processing will cease until we receive the requested modifications.

If you agree to withdraw the application, please sign and date the attached form and return it to this office within 14 days.

Please contact us if you have any comments or questions related to the proposed denial.

Requirements needed to obtain approval:

Sincerely,

Regional Office

copy: OWRM

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

V C. Approval Memorandum for Recommending a Public Hearing (Termination)

SUBJECT: Termination of VPDES Permit No. VA00_____ Facility Name,
Location

TO: Director

FROM: Regional Director

DATE: (date signed)

COPIES: VDH (for municipals only)

Legal Name of Permittee:

Type of Discharge: Existing (Industrial/
Municipal-Sewage) Discharge

Receiving Stream: Stream:, Basin:, Subbasin: (if no
Subbasin: N/A), Section:, Class:,
Special Standard(s):

Previous Board Action: Summarize any previous Board/Director
actions directly related to the
proposed termination. (If none, state
none.)

Staff Comments: Briefly explain the reason(s) for the
proposed termination.

Briefly summarize reason(s) for
permittee's objections to termination.

Additional comments to include
previous permit action
(issuance/reissuance/modification).

STAFF RECOMMENDATIONS:

The staff recommends that a public hearing be convened before
the Board to receive oral and written testimony concerning the
termination of VPDES Permit No. VA00_____.

APPROVED FOR SUBMISSION TO THE BOARD: _____
Director

DATE: _____

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

V B. Termination Agreement Form

SUBJECT: TERMINATION OF VPDES PERMIT NO. _____

TO: (DEQ, Water Division Regional Office Address)

OWNER: (Full name as on permit)
(Address)
(Zip Code)

Reason for Termination:

I hereby agree to the termination of VPDES Permit No. VA00_____ and waive my right to a hearing in accordance with Section §62.1-44.15(5) of the State Water Control Law for the following reasons:

(Provide reason for Termination -- Refer to Permit Manual Narrative, Section V B.1. for the causes for Termination.)

SIGNED: _____ *

TITLE: _____

DATE: _____

*To be notified by OWRM when the Board has approved termination.

APPENDIX V -- TERMINATION AND DENIAL PROCEDURES

APPENDIX MN -- MUNICIPAL

16.a. Require Dechlorination, Final Limits not met

Permit No. VA _____
Part I
Page of

B. Interim Total Residual Chlorine (TRC) Effluent Limitations and Monitoring Requirements

During the period beginning with the permit's (effective/ modification) date and lasting until the achievement of compliance with the TRC (and/or Fecal Coliform)* limitations in Part I D, in accordance with the schedule of compliance contained in this permit Part I C, the permittee is authorized to discharge from outfall(s) serial number(s) _____ .

Such discharges shall be limited and monitored by the permittee as specified below:

1. No more than ** of all TRC analyses shall be outside the range ** through ** mg/l for any one calendar month.
2. Any ** consecutive test results not within the range ** through ** mg/l shall be reported in accordance with paragraph F.2. of Part II.
3. No single TRC analysis shall exceed *** mg/l at any time (Tech Max).

* Not applicable for sewage discharges $\leq 1,000$ gpd.

** See Chlorine Permit Conditions

*** See Establishment of Interim and Technological Maximum Total Residual (TRC) Limits

APPENDIX MN -- MUNICIPAL

16.a. Require Dechlorination, Final Limits not met (cont.)

Permit No. VA _____
Part I
Page of

C. Schedule of Compliance

The permittee shall achieve compliance with the final Total Residual Chlorine (TRC) and/or Fecal Coliform limitation(s) specified in this permit in accordance with the following schedule:

- | | |
|--|--|
| 1. Select engineering firm
for design of facilities | Within 60 days after the
(modification/effective)
date of the permit |
| 2. Submit plans to VDH and DEQ,
Water Division Regional
Office | Within 120 days of # 1 |
| 3. Commence Construction | Within 60 days after
approval of final plans |
| 4. Complete Construction | Within 180 days of # 3 |
| 5. Achieve Compliance with
Part I.D. | Within 30 days of #4 |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

APPENDIX MN -- MUNICIPAL

16.a Require Dechlorination, Final Limits not met
(Non-detectable)

Permit No. VA _____
Part I
Page of

D. Final Total Residual Chlorine (TRC) Effluent Limitations and Monitoring Requirements

1. a. No more than [10% of total no. of monthly samples*] of all samples for TRC taken after the chlorine contact tank and prior to dechlorination shall be less than [1.0 or 1.5**] mg/l for any one calendar month.

b. No TRC sample collected prior to dechlorination shall be less than 0.6 mg/l.

c. These TRC concentrations may be lowered where the permittee has demonstrated adequate disinfection.
2. The TRC concentration in the final effluent after dechlorination from this facility shall be **non-detectable**. This TRC concentration shall be measured using one of the following procedures:
 - a. DPD Titration
 - b. DPD Colorimetric
 - c. Iodate Back Titration (Starch)
 - d. Amperometric Direct Titration
 - e. Any proven and EPA accepted method that can reach an equal level of detection.
3. When the TRC concentration in the final effluent results in a detectable measurement, the permittee shall take immediate steps to achieve a non-detectable TRC concentration. Where the TRC concentration is within the limit of D.4., the permittee shall also take up to two additional grab samples within one hour of the original sample. The first of these additional samples shall be taken within 45 minutes after the original sample. Should this TRC sample measurement indicate a non-detectable concentration, then the original sample shall be considered in compliance with the permit limit in D.2.. Should this TRC sample measurement indicate a detectable concentration within the limit of D.4., then a second additional sample shall be taken within 15 minutes after the first additional sample, but within one hour of the original sample.

* Number to be calculated and inserted by Permit Writer

** Number to be determined by Permit Writer, See Chlorine Permit Conditions

APPENDIX MN -- MUNICIPAL

16.a. Require Dechlorination, Final Limits not met
(Non-detectable) (cont.)

Permit No. VA _____
Part I
Page of

If the second of these additional sample measurements indicates a non-detectable TRC concentration, then the original and the first additional sample shall be considered in compliance with the permit limitation in D.2.

Should this second additional sample measurement indicate a detectable TRC concentration, then the original sample will be considered as exceeding the permit limitation in D.2.. Should more than one sample be collected, only the original sample shall be considered for permit violation.

The permittee shall report all results of the above monitoring scheme with the monthly Discharge Monitoring Report (DMR).

4. The instantaneous maximum TRC concentration in the final effluent shall not exceed [1.0 or 1.5*]mg/l.
5. The permittee shall operate the dechlorination facilities in a manner which will ensure continuous compliance with the TRC concentration in D.2., but not to the extent that will result in violations of other permitted effluent characteristics, or the Water Quality Standards.
6. If an alternative to chlorination as a disinfection method is chosen, the Fecal Coliform parameter shall be limited and monitored by the permittee as specified below:

	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Monthly Ave.</u>	<u>Weekly Ave.</u>	<u>Frequency</u>	<u>Sample Type</u>
Fecal Coliform (n/100ml)	**200	**400	(see page App. MN, Alternate Disinfection Methods)	

The above requirements, if applicable, shall substitute for the TRC requirements delineated in Part I, Section D (1)-(5).

- * 1.5 for PWS and Shellfish Waters, 1.0 for other surface waters
- ** Geometric mean

APPENDIX MN -- MUNICIPAL

16.a. **Require Dechlorination, Final Limits not met
(Detectable)**

Permit No. VA _____
Part I
Page of

D. **Final Total Residual Chlorine (TRC) Effluent Limitations and
Monitoring Requirements**

1. a. No more than [10% of total no. of monthly samples*] of all samples for TRC taken after the chlorine contact tank and prior to dechlorination shall be less than [1.0 or 1.5**] mg/l for any one calendar month.
- b. No TRC sample collected prior to dechlorination shall be less than 0.6 mg/l.
- c. These TRC concentrations may be lowered where the permittee has demonstrated adequate disinfection.
2. The hourly average concentration of TRC in the final effluent after dechlorination shall not exceed *** mg/l.
3. When the TRC concentration in the final effluent exceeds the concentration in D.2., the permittee shall take immediate steps to achieve the required TRC concentration. If the TRC concentration in D.2. is exceeded, the permittee shall also take within one hour after the original sample measurement at least one additional sample measurement for TRC. If the average of the two samples does not meet the TRC concentration in D.2., then additional sampling and/or adjustments may be made by the permittee within the one hour period with the objective of achieving the required TRC concentration. For purposes of this permit if more than one sample measurement is taken during the one hour period and the average of all these samples still exceeds the TRC concentration in D.2., only the original sample will be considered for permit violation. When the average of these samples meets the TRC concentration in D.2., this shall be considered as being in compliance.

The permittee shall report all results of the above monitoring program to the appropriate DEQ, Water Division Regional Office with the monthly DMR.

4. The permittee shall operate the dechlorination facilities in a manner which will ensure continuous compliance with the TRC concentration in D.2., but not to the extent that will result in violations of other permitted effluent characteristics, or Water Quality Standards.

* Number to be calculated and inserted by Permit Writer

** Number to be determined by Permit Writer, See Chlorine Permit Conditions

*** Number to be calculated, See Establishment of Interim and Technological Maximum Total Residual Chlorine Limits

APPENDIX MN -- MUNICIPAL

16.a. Require Dechlorination, Final Limits not met. (Detectable) (cont.)

Permit No. WA _____
Part I
Page of

5. If an alternative to chlorination as a disinfection method is chosen, the Fecal Coliform parameter shall be limited and monitored by the permittee as specified below:

	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Monthly Ave.</u>	<u>Weekly Ave.</u>	<u>Frequency</u>	<u>Sample Type</u>
Fecal Coliform (n/100ml)	*200	*400	(see App. MN, Alternate Disinfection Methods)	

The above requirements, if applicable, shall substitute for the TRC requirements named in Part I, Section D (1)-(4).

* Geometric mean

APPENDIX MN -- MUNICIPAL

16.b. Require Dechlorination, Meeting Final Limits
(Non-detectable)

Permit No. VA _____
Part I
Page of

B. Final Total Residual Chlorine (TRC) Effluent Limitations and
Monitoring Requirements

1. a. No more than [10% of total no. of monthly samples*] of all samples for TRC taken after the chlorine contact tank and prior to dechlorination shall be less than [1.0 or 1.5**] for any one calendar month.
- b. No TRC sample collected prior to dechlorination shall be less than 0.6 mg/l.
- c. These TRC concentrations may be lowered where the permittee has demonstrated adequate disinfection.
2. The TRC concentration in the final effluent after dechlorination from this facility shall be **non-detectable**. This TRC concentration shall be measured using one of the following procedures:
 - a. DPD Titration
 - b. DPD Colorimetric
 - c. Iodate Back Titration (Starch)
 - d. Amperometric Direct Titration
 - e. Any proven and EPA accepted method that can reach an equal level of detection.
3. When the TRC concentration in the final effluent results in a detectable measurement, the permittee shall take immediate steps to achieve a non-detectable concentration. Where the TRC concentration is within the limit of B.4., the permittee shall also take up to two additional grab samples within one hour of the original sample. The first of these additional samples shall be taken within 45 minutes after the original sample. Should this TRC sample measurement indicate a non-detectable concentration, then the original sample shall be considered as being in compliance with the permit limit in B.2.. Should this TRC sample measurement indicate a detectable concentration within the limit of B.4., then a second additional sample shall be taken within 15 minutes after the first additional sample, but within one hour of the original sample.

* Number to be calculated and inserted by Permit Writer

** Number to be determined by Permit Writer, See Chlorine Permit Conditions

APPENDIX MN -- MUNICIPAL

16.b. Require Dechlorination, meeting Final Limits (Non-detectable) (cont.)

Permit No. VA _____
Part I
Page of

If the second of these additional sample measurements indicates a non-detectable TRC concentration, then the original and the first additional sample shall be considered as being in compliance with the permit limitation in B.2.. Should this second additional sample measurement indicate a detectable TRC concentration, then the original sample will be considered as exceeding the permit limitation in B.2.. Should more than one sample be collected, only the original sample shall be considered for permit violation.

The permittee shall report all results of the above monitoring scheme with the monthly Discharge Monitoring Report (DMR).

4. The instantaneous maximum TRC concentration in the final effluent shall not exceed [1.0 or 1.5*] mg/l.
5. The permittee shall operate the dechlorination facilities in a manner which will ensure continuous compliance with the TRC concentration in B.2., but not to the extent that will result in violations of other permitted effluent characteristics, or the Water Quality Standards.
6. If an alternative to chlorination as a disinfection method is chosen, the Fecal Coliform parameter shall be limited and monitored by the permittee as specified below:

<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
<u>Monthly Ave.</u>	<u>Weekly Ave.</u>	<u>Frequency</u>	<u>Sample Type</u>
Fecal Coliform **200 (n/100ml)	**400	(see App. MN, Alternate Disinfection Methods)	

The above requirements, if applicable, shall substitute for the TRC requirements delineated in Part I, Section B (1)-(5).

- * 1.5 for PWS and Shellfish Waters, 1.0 for other surface waters
- ** Geometric mean

APPENDIX MN -- MUNICIPAL

16.b. Require Dechlorination, meeting Final Limits
Detectable)

Permit No. VA _____
Part I
Page of

B. Final Total Residual Chlorine (TRC) Effluent Limitations and
Monitoring Requirements

1. a. No more than [10% of total no. of monthly samples*] of all samples for TRC taken after the chlorine contact tank and prior to dechlorination shall be less than [1.0 or 1.5**] for any one calendar month.

b. No TRC sample collected prior to dechlorination shall be less than 0.6 mg/l.

c. These TRC concentrations may be lowered where the permittee has demonstrated adequate disinfection.
2. The hourly average concentration of TRC in the final effluent after dechlorination shall not exceed *** mg/l.
3. When the TRC concentration in the final effluent exceeds the concentration in B.2., the permittee shall take immediate steps to achieve the required TRC concentration. If the TRC concentration in B.2. is exceeded, the permittee shall also take within one hour after the original sample measurement at least one additional sample measurement for TRC. If the average of the two samples does not meet the TRC concentration in B.2., then additional sampling and/or adjustments may be made by the permittee within the one hour period with the objective of achieving the required TRC concentration. For purposes of this permit if more than one sample measurement is taken during the one hour period and the average of all these samples still exceeds the TRC concentration in B.2., only the original sample will be considered for permit violation. When the average of these samples meets the TRC concentration in B.2., this shall be considered as being in compliance.

The permittee shall report all results of the above monitoring program to the appropriate DEQ, Water Division Regional Office with the monthly DMR.

4. The permittee shall operate the dechlorination facilities in a manner which will ensure continuous compliance with the TRC concentration in B.2., but not to the extent that will result in violations of other permitted effluent characteristics, or Water Quality Standards.

* Number to be calculated and inserted by Permit Writer

** Number to be determined by Permit Writer, See Chlorine Permit Conditions

*** Number to be calculated, See Establishment of Interim and Technological Maximum Total Residual Chlorine Limits

APPENDIX MN -- MUNICIPAL

16.b. Require Dechlorination, meeting Final Limits
(Detectable) (Cont.)

Permit No. VA _____
Part I
Page of

5. If an alternative to chlorination as a disinfection method is chosen, the Fecal Coliform parameter shall be limited and monitored by the permittee as specified below:

	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Monthly Ave.</u>	<u>Weekly Ave.</u>	<u>Frequency</u>	<u>Sample Type</u>
Fecal Coliform (n/100ml)	*200	*400	(see App. MN, Alternate Disinfection Methods)	

* Geometric mean

The above requirements, if applicable, shall substitute for the TRC requirements delineated in Part I, Section B (1)-(4).

APPENDIX MN -- MUNICIPAL

16.c. Endangered/Threatened Species Waters or Natural Trout Streams (Non-detectable)

Permit No. VA _____
Part I
Page of

B. Interim Total Residual Chlorine (TRC) and Fecal Coliform Effluent Limitations and Monitoring Requirements

1. a. No more than [10% of total no. of monthly samples*] of all samples for TRC taken after the chlorine contact tank and prior to dechlorination shall be less than [1.0 or 1.5**] for any one calendar month.

b. No TRC sample collected prior to dechlorination shall be less than 0.6 mg/l.

c. These TRC concentrations may be lowered where the permittee has demonstrated adequate disinfection.
2. The TRC concentration in the final effluent after dechlorination from this facility shall be **non-detectable**. This TRC concentration shall be measured using one of the following procedures:
 - a. DPD Titration
 - b. DPD Colorimetric
 - c. Iodate Back Titration (Starch)
 - d. Amperometric Direct Titration
 - e. Any proven and EPA accepted method that can reach an equal level of detection.
3. When the TRC concentration in the final effluent results in a detectable measurement, the permittee shall take immediate steps to achieve a non-detectable concentration. Where the TRC concentration is within the limit of B.4., the permittee shall also take up to two additional grab samples within one hour of the original sample. The first of these additional samples shall be taken within 45 minutes after the original sample. Should this TRC sample measurement indicate a non-detectable concentration, then the original sample shall be considered as being in compliance with the permit limit in B.2.. Should this TRC sample measurement indicate a detectable concentration within the limit of B.4., then a second additional sample shall be taken within 15 minutes after the first additional sample, but within one hour of the original sample.

* Number to be calculated and inserted by Permit Writer

** Number to be determined by Permit Writer, See Chlorine Permit Conditions

APPENDIX MN -- MUNICIPAL

16.c. Endangered/Threatened Species Waters or Natural Trout
Streams (Non-detectable) (cont.)

Permit No. VA _____
Part I
Page of

If the second of these additional sample measurements indicates a non-detectable TRC concentration, then the original and the first additional sample shall be considered as being in compliance with the permit limitation in B.2.. Should this second additional sample measurement indicate a detectable TRC concentration, then the original sample will be considered as exceeding the permit limitation in B.2.. Should more than one sample be collected, only the original sample shall be considered for permit violation.

The permittee shall report all results of the above monitoring scheme with the monthly Discharge Monitoring Report (DMR).

4. The instantaneous maximum TRC concentration in the final effluent shall not exceed [1.0 or 1.5*] mg/l.
5. The permittee shall operate the dechlorination facilities in a manner which will ensure continuous compliance with the TRC concentration in B.2., but not to the extent that will result in violations of other permitted effluent characteristics, or the Water Quality Standards.
6. If an alternative to chlorination as a disinfection method is chosen, the Fecal Coliform parameter shall be limited and monitored by the permittee as specified below:

<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
<u>Monthly Ave.</u>	<u>Weekly Ave.</u>	<u>Frequency</u>	<u>Sample Type</u>
Fecal Coliform **200 (n/100ml)	**400	(see App. MN, Alternate Disinfection Methods)	

The above requirements, if applicable, shall substitute for the TRC requirements delineated in Part I, Section B (1)-(5).

- * 1.5 for PWS and Shellfish Waters, 1.0 for other surface waters
- ** Geometric mean

APPENDIX MN -- MUNICIPAL

16.c. Endangered/Threatened Species Waters or Natural Trout Streams (Detectable)

Permit No. VA _____
Part I
Page of

B. Interim Total Residual Chlorine (TRC) and Fecal Coliform Effluent Limitations and Monitoring Requirements

1. a. No more than [10% of total no. of monthly samples*] of all samples for TRC taken after the chlorine contact tank and prior to dechlorination shall be less than [1.0 or 1.5**] for any one calendar month.
- b. No TRC sample collected prior to dechlorination shall be less than 0.6 mg/l.
- c. These TRC concentrations may be lowered where the permittee has demonstrated adequate disinfection.
2. The hourly average concentration of TRC in the final effluent after dechlorination shall not exceed *** mg/l.
3. When the TRC concentration in the final effluent exceeds the concentration in B.2., the permittee shall take immediate steps to achieve the required TRC concentration. If the TRC concentration in B.2. is exceeded, the permittee shall also take within one hour after the original sample measurement at least one additional sample measurement for TRC. If the average of the two samples does not meet the TRC concentration in B.2., then additional sampling and/or adjustments may be made by the permittee within the one hour period with the objective of achieving the required TRC concentration. For purposes of this permit if more than one sample measurement is taken during the one hour period and the average of all these samples still exceeds the TRC concentration in B.2., only the original sample will be considered for permit violation. When the average of these samples meets the TRC concentration in B.2., this shall be considered as being in compliance.

The permittee shall report all results of the above monitoring program to the appropriate DEQ, Water Division Regional Office with the monthly DMR.

4. The permittee shall operate the dechlorination facilities in a manner which will ensure continuous compliance with the TRC concentration in B.2., but not to the extent that will result in violations of other permitted effluent characteristics, or Water Quality Standards.

* Number to be calculated and inserted by Permit Writer

** Number to be determined by Permit Writer, See Chlorine Permit Conditions

*** Number to be calculated, See Establishment of Interim and Technological Maximum Total Residual Chlorine (TRC) Limits

APPENDIX MN -- MUNICIPAL

16.c. Endangered/Threatened Species Waters or Natural Trout
Streams (Detectable) (cont.)

Permit No. VA _____
Part I
Page of

5. If an alternative to chlorination as a disinfection method is chosen, the Fecal Coliform parameter shall be limited and monitored by the permittee as specified below:

	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Monthly Ave.</u>	<u>Weekly Ave.</u>	<u>Frequency</u>	<u>Sample Type</u>
Fecal Coliform (n/100ml)	*200	*400	(see App. MN, Alternate Disinfection Methods)	

The above requirements, if applicable, shall substitute for the TRC requirements delineated in Part I, Section B (1)-(4).

* Geometric mean

APPENDIX MN -- MUNICIPAL

16.C. Endangered/Threatened Species Waters or Natural Trout Streams

Permit No. VA _____
Part I
Page of

C. Schedule of Compliance

The permittee shall achieve compliance with the Fecal Coliform limitation(s) in Part I.A.1. and the elimination of chlorine and other halogen compounds in Part I.A.2. as specified in this permit in accordance with the following schedule:

- | | |
|--|--|
| 1. Select engineering firm for design of facilities | Within 60 days after the (modification/effective) date of the permit |
| 2. Submit Plans to VDH and DEQ, Water Division Regional Office | Within 120 days of # 1 |
| 3. Commence Construction | Within 60 days after approval of final plans |
| 4. Complete Construction | Within (180/240*) days of #3 |
| 5. Achieve Compliance with Part I.A. | Within 30 days of # 4 |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

- * 240 days is applicable only for facilities where dechlorination facilities have been installed.

APPENDIX MN -- MUNICIPAL

E.16. Permit Chlorine Pages Format (cont.)

- c. **Endangered/Threatened Species Waters, Natural Trout streams**
Permits which contain chlorine limitations and discharge into Endangered/Threatened Species Waters or Natural Trout Streams shall use the following formats:

(2) Permits with design flows ≥ 0.02 MGD, modified or reissued with dechlorination limitations and dechlorination facilities have not been installed or are in the process of being installed

OR;

The permit has not yet been modified or reissued with dechlorination limitations

OR;

The mass balance does not require dechlorination, shall use:

PART I A. Effluent Limitations and Monitoring Requirements	MN-95
PART I B. Interim TRC and Fecal Coliform Limits.	MN-96
PART I C. Schedule of Compliance	MN-97

APPENDIX MN -- MUNICIPAL

16.c. Endangered/Threatened Species Waters or Natural Trout Streams

Permit No. VA _____
Part I
Page of

C. Schedule of Compliance

The permittee shall achieve compliance with the Fecal Coliform limitation(s) in Part I.A.1. and the elimination of chlorine and other halogen compounds in Part I.A.2. as specified in this permit in accordance with the following schedule:

- | | |
|--|--|
| 1. Select engineering firm for design of facilities | Within 60 days after the (modification/effective) date of the permit |
| 2. Submit Plans to VDH and DEQ, Water Division Regional Office | Within 120 days of # 1 |
| 3. Commence Construction | Within 60 days after approval of final plans |
| 4. Complete Construction | Within 180 days* of # 3 |
| 5. Achieve Compliance with Part I.A. | Within 30 days of # 4 |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

* 240 days is applicable for facilities where dechlorination facilities have been installed.

APPENDIX MN -- MUNICIPAL

E.16. Permit Chlorine Pages Format (cont.)

c. Endangered/Threatened Species Waters, Natural Trout Streams

Permits which contain chlorine limitations and discharge into Endangered/Threatened Species Waters or Natural Trout Streams shall use the following formats:

(3) Permits with design flows < 0.02 MGD currently chlorinating and dechlorinating, shall use:

PART I A. Effluent Limitations and Monitoring

Requirements MN-99

PART I B. Final TRC Limits (Non-Detectable) MN-100

16.c. Endangered/Threatened Species Waters or Natural Trout Streams
(cont.)

MUNICIPAL

Permit No.
Page of

PART I

(Flow <0.02 MGD, currently chlorinating and dechlorinating with chlorine limits, and discharge into Endangered/Threatened Species Waters or Natural Trout Streams.)

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s) serial number(s)

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	Monthly Average		Weekly Average	Instantaneous Limitation		Frequency Sample Type
	Min.	Max.		Min.	Max.	
Flow (MGD)*	NL	NL	NL	NA	NA	
BOD ₅	mg/l kg/d	mg/l kg/d	mg/l kg/d	NA	NA	
Suspended Solids	mg/l kg/d	mg/l kg/d	mg/l kg/d	NA	NA	
Total Residual Chlorine (TRC)(mg/l)	NA	NA	NA	NA	NA	Grab
pH (standard units)	NA	NA	NA	**	**	Grab

NL = No Limitation
NA = Not Applicable

2. See Part I B. for final TRC limitations.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* The design flow of this treatment facility is MGD.
** Include pH values which will maintain Water Quality Standards in the receiving stream.

APPENDIX MN -- MUNICIPAL

16.c. **Endangered/Threatened Species Waters or Natural Trout Streams (Non-detectable)**

Permit No. VA _____

Part I

Page of

B. **Final Total Residual Chlorine (TRC) Effluent Limitations and Monitoring Requirements**

1. No more than [10% of total no. of monthly samples*] of all samples for TRC taken after the chlorine contact tank and prior to dechlorination shall be less than [1.0 or 1.5**] for any one calendar month.
2. The TRC concentration in the final effluent after dechlorination from this facility shall be **non-detectable**. This TRC concentration shall be measured using one of the following procedures:
 - a. DPD Titration
 - b. DPD Colorimetric
 - c. Iodate Back Titration (Starch)
 - d. Amperometric Direct Titration
 - e. Any proven and EPA accepted method that can reach an equal level of detection.
3. When the TRC concentration in the final effluent results in a detectable measurement, the permittee shall take immediate steps to achieve a non-detectable concentration. Where the TRC concentration is within the limit of B.4., the permittee shall also take up to two additional grab samples within one hour of the original sample. The first of these additional samples shall be taken within 45 minutes after the original sample. Should this TRC sample measurement indicate a non-detectable concentration, then the original sample shall be considered as being in compliance with the permit limit in B.2.. Should this TRC sample measurement indicate a detectable concentration within the limit of B.4., then a second additional sample shall be taken within 15 minutes after the first additional sample, but within one hour of the original sample. If the second of these additional sample measurements indicates a non-detectable TRC concentration, then the original and the first additional sample shall be considered as being in compliance with the permit limitation in B.2.

* Number to be calculated and inserted by Permit Writer

** Number to be determined by Permit Writer, See Chlorine Permit Conditions

APPENDIX MN -- MUNICIPAL

16.c. Endangered/Threatened Species Waters or Natural Trout Streams

Permit No. VA _____
Part I
Page of

C. Schedule of Compliance

The permittee shall achieve compliance with the final Total Residual Chlorine (TRC) and/or Fecal Coliform limitation(s) specified in this permit in accordance with the following schedule:

- | | |
|--|--|
| 1. Select engineering firm for design of facilities | Within 60 days after the (modification/effective) date of the permit |
| 2. Submit Plans to VDH and DEQ, Water Division Regional Office | Within 120 days from # 1 |
| 3. Commence Construction | Within 60 days after approval of final plans |
| 4. Complete Construction | Within 180 days of # 3 |
| 5. Achieve Compliance with Part I.D. | Within 30 days of # 4 |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

APPENDIX MN -- MUNICIPAL

16.c. Endangered/Threatened Species Waters or Natural Trout
Streams (Non-detectable)

Permit No. VA _____
Part I
Page of

D. Final Total Residual Chlorine (TRC) Effluent Limitations and
Monitoring Requirements

1. No more than [10% of total no. of monthly samples*] of all samples for TRC taken after the chlorine contact tank and prior to dechlorination shall be less than [1.0 or 1.5**] for any one calendar month.
2. The TRC concentration in the final effluent after dechlorination from this facility shall be non-detectable. This TRC concentration shall be measured using one of the following procedures:
 - a. DPD Titration
 - b. DPD Colorimetric
 - c. Iodate Back Titration (Starch)
 - d. Amperometric Direct Titration
 - e. Any proven and EPA accepted method that can reach an equal level of detection.
3. When the TRC concentration in the final effluent results in a detectable measurement, the permittee shall take immediate steps to achieve a non-detectable TRC concentration. Where the TRC concentration is within the limit of D.4., the permittee shall also take up to two additional grab samples within one hour of the original sample. The first of these additional samples shall be taken within 45 minutes after the original sample. Should this TRC sample measurement indicate a non-detectable concentration, then the original sample shall be considered as being in compliance with the permit limit in D.2.. Should this TRC sample measurement indicate a detectable concentration within the limit of D.4., then a second additional sample shall be taken within 15 minutes after the first additional sample, but within one hour of the original sample. If the second of these additional sample measurements indicates a non-detectable TRC concentration, then the original and the first additional sample shall be considered as being in compliance with the permit limitation in D.2.

* Number to be calculated and inserted by Permit Writer

** Number to be determined by Permit Writer, See Chlorine
Permit Conditions

APPENDIX MN -- MUNICIPAL

16.d Sewage Discharges \leq 1,000 gpd

Permit No. VA _____
Part I
Page of

C. Schedule of Compliance

The permittee shall achieve compliance with the final Total Residual Chlorine (TRC) limitations specified in this permit according to the following schedule:

- | | |
|--|---|
| 1. Initiate selection/
installation of facilities
permit | Within 60 days after the
effective date of the |
| 2. Submit Progress Report | within 12 months of #1 |
| 3. Complete Construction | Within 15 months of the
effective date of the permit |
| 4. Achieve Compliance with
Part I.A. | Within 30 days of # 2 |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

APPENDIX MN -- MUNICIPAL

E.16. Permit Chlorine Pages Format (cont.)

d. Sewage Discharges Equal To Or Less Than 1000 gpd

(2) Discharges Into Protected or Prohibited Waters

Protected Waters -- waters into which a discharge shall be evaluated on a case by case basis. This evaluation may determine that

- (1) the standard effluent limitations are acceptable,
- (2) more stringent effluent limitations are required, or
- (3) the discharge should be denied.

These waters are:

Shellfish,
Public Water Supplies,
Natural Trout and Put and Take Trout Waters,
Scenic Rivers,
Waters containing Endangered or Threatened Species, and
Multiple discharges in close proximity to one another.

Prohibited Waters -- waters to which standard effluent limitations shall not apply or a discharge shall be denied. If a discharge is allowed, the effluent limitations and requirements in the Water Quality Standards shall be used.

These waters are:

James River between Boshier and Williams Dams,
Tuckahoe Creek and its tributaries,
Dulles Watershed,
Occoquan Watershed,
Potomac River embayments in Virginia from Jones Point
(Hunting Creek) to the Route 301 Bridge
Aquia Creek, and
Chickahominy Watershed above Walker's Dam.

APPENDIX MN -- MUNICIPAL

17. Chlorine Reduction Testing Program

The DEQ, Water Division instituted the Chlorine Reduction Testing Program due to concerns over the potentially toxic effects of chlorine in wastewater discharges. The purpose of this program is to allow dischargers to voluntarily demonstrate they can maintain adequate levels of disinfection with lowered chlorine residuals. Participation in this program also benefits the permittee by helping reduce waste treatment costs.

This program is administered by the DEQ, Water Division through VPDES permits, but all chlorine reduction requests are coordinated with the VDH. When the RO receives such a request from a permittee, the RO shall send a copy of the request to the VDH-RO. If the permittee has a good record of compliance with his permit, the RO should contact the VDH-RO by letter and inform them of the permittee's compliance record and recommend that the permittee be allowed to participate in the program. The VDH-RO shall either agree or disagree with this recommendation in writing. Once agreement is reached between the RO and VDH, the permittee shall be notified by letter that his participation in the program is to be allowed. The permittee shall also be notified of the conditions necessary for his participation, as listed below. The permittee will also be required to report the progress of the reduction testing program to the RO each month. This letter shall be copied to VDH and OECA.

The only way that this program can be applicable to a particular facility is through permit special conditions. These special conditions may be added at permit issuance/reissuance or through a permit modification. They are activated by a request from the permittee and a letter of consent from the DEQ, Water Division Regional Director. Example special conditions are presented below. They contain the basic elements of the program but, due to the number of possible modifications to specific language needed for each different situation, no mandatory language is given. The RO shall provide draft special conditions to OWRM for determination of the exact language to use in each situation in question.

The TRC limit on Part I.A. shall be modified to refer to the special conditions so that they apply without further permit modification. Because of the number of possible applications of this procedure to the example chlorine limits pages, specific language is not provided for the TRC footnote.

Weekly and monthly average fecal coliform limits must also be added to the permit on the Part I.A. page, if they are not already in place.

APPENDIX MN -- MUNICIPAL

17. Chlorine Reduction Testing Program (cont.)

The object of these conditions is to allow the permittee to lower the chlorine contact tank residual range in increments of 0.25 mg/l for 2 month intervals. Over each 2 month period the permittee must test both chlorine residual and fecal coliforms at an increased frequency and report the results to the DEQ, Water Division Regional Office.

If the results of these tests indicate that adequate disinfection is maintained, the DEQ, Water Division Regional Director, with the concurrence of the VDH Regional Director, may grant a further 0.25 mg/l reduction in the chlorine residual. OWRM recommends that the final values for the TRC range not be set lower than 0.25 - 1.25 mg/l.

The 10% TRC exceptions language used in routine chlorine limits may be used during the testing program and with the final level of limits, if appropriate. The RO shall keep the fecal coliform limitations in the permit in order to assure continued disinfection, even during TRC excursions.

The lowest chlorine range at which the permittee can maintain adequate disinfection may be used to set a new Part I.A. TRC limitation in the permit, as long as VDH agrees. This limits change can be accomplished by permit modification or at reissuance. In the meantime, the permittee is authorized by the special conditions to continue the reduced TRC level, provided disinfection is maintained.

If at any time the test results indicate that the effluent is not being adequately disinfected, the special conditions require the permittee to revert to the standard chlorine residuals.

A new DMR must be prepared and sent to the permittee with each reduction in chlorine residual range approved by the DEQ, Water Division and VDH. This can be accomplished when the approval letter is sent from the DEQ, Water Division Regional Director.

Chlorine Reduction Testing Program Special Conditions

Chlorine residual values taken after the chlorine contact tank may be reduced with the consent of the DEQ, Water Division provided that Chlorine Reduction Testing Program conditions are met and sufficient operational data justifying such a reduction have been generated. Chlorine Reduction Testing Program Conditions are:

APPENDIX MN -- MUNICIPAL

17. Chlorine Reduction Testing Program (cont.)

- a. Initial experiments in chlorine residual reduction shall be run for a period of two (2) months, while effluent quality shall be monitored by the permittee. The first trial period shall be to maintain a total residual chlorine concentration within the range of * through * mg/l. Following at least two (2) months of acceptable performance at this level, further reduction to a range of ** through ** mg/l may be approved by the DEQ, Water Division Regional Director with the concurrence of the Virginia Department of Health Regional Director. Following at least two (2) months of acceptable performance at this level, further reduction to a range of ** through ** mg/l may be approved by the DEQ, Water Division Regional Director with the concurrence of the Virginia Department of Health Regional Director.
- b. The permittee shall monitor chlorine residuals on a once per hour basis during all experimental periods and fecal coliform parameters on a 2 per day at 6-hour interval basis for at least the first two weeks of each experimental period. Fecal coliform testing may revert back to 1 per day upon approval by the DEQ, Water Division Regional Director with the concurrence of the Virginia Department of Health Regional Director.
- c. The permittee shall conform to the chlorine residual range of *** through *** mg/l upon notice from the DEQ, Water Division if the permit limits for fecal coliform, BOD₅ or suspended solids are violated.
- d. The permittee shall forthwith conform to the chlorine residual range of *** through *** mg/l upon notice from the DEQ, Water Division Regional Director or the Virginia Department of Health that the reduction in chlorine is having an adverse impact on effective disinfection.
- e. The permittee shall submit reports of the results of this testing program monthly with the DMR.

* This initial reduced range is negotiable between the RO, VDH and the permittee. OWRM recommends that it be 0.25 mg/l less than the standard limits for this discharge.

** Subsequent ranges should be 0.25 mg/l lower than preceding range.

*** This should be the limits imposed in the absence of the Chlorine Reduction Testing Program.

APPENDIX MN -- MUNICIPAL

APPENDIX MN -- MUNICIPAL

F.5. Municipal Nutrients Procedures (cont.)
-- Phosphorus Only

Permit No.
Part I
Page of

C. Schedule of Compliance

The permittee shall achieve compliance with the Total Phosphorus limitation in Part I.A.1.* as specified in this permit in accordance with the following schedule:

- | | |
|--|--|
| 1. Initiate Design of Facilities | Within 60 days after the (modification/effective) date of the permit |
| 2. Submit plans to the VDH and DEQ, Water Division Regional Office | Within 120 days of #1 |
| 3. Commence Construction approval | Within 60 days of of plans |
| 4. Submit Progress Report | Within 12 months of #3 |
| 5. Complete Construction | Within 25 months of #3 |
| 6. Achieve Compliance with Final Effluent Limitation | 30 days after completion of construction |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial action taken, and the probability of meeting the next scheduled requirement.

- * Minimum sampling requirements for Phosphorus are located in Appendix MN, Minimum Sampling Schedule.

APPENDIX MN -- MUNICIPAL

F.5. Municipal Nutrients Procedures (cont.)
-- Phosphorus and Nitrogen

Permit No.
Part I
Page of

C. Schedule of Compliance

The permittee shall achieve compliance with the Total Phosphorus and Total Nitrogen limitations in Part I.A.1.* as specified in this permit in accordance with the following schedule:

- | | |
|--|---|
| 1. Initiate Design of Facilities | Within 60 days after the (modification/ effective) date of the permit |
| 2. Submit plans to the VDH and DEQ, Water Division Regional Office | Within 120 days of #1 |
| 3. Commence Construction | Within 60 days of approval of plans |
| 4. Submit Progress Report | Within 12 months of #3 |
| 5. Complete Construction | Within 25 months of #3 |
| 6. Achieve Compliance with Final Effluent Limitations | 30 days after completion of construction |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial action taken, and the probability of meeting the next scheduled requirement.

APPENDIX MN -- MUNICIPAL

MN H. Bypass Points

All bypass points should be incorporated into a permit. Generally, these bypass points are associated with a particular STP. Thus, they shall be listed as point sources in the STP owner's permit as a special condition. However, if the bypass points are owned by someone other than the STP owner, then the owner of the bypass point should be issued a permit for the bypass point.

All bypass points owned by the permittee shall be listed in the permit as a special condition. See the language and format on the next page.

APPENDIX MN -- MUNICIPAL

MN H. Permitting Bypass Points (cont.)

Permit No.
Part I
Page of

B. Other Requirements or Special Conditions*

The following outfall(s) (is/are) hereby recognized in this permit as (a) bypass point(s):

Name of Bypass Location Outfall serial number Receiving Waters

**name;; basin;;
subbasin;;section;;
class;; special
standards:

(This/These) outfall(s) are not authorized to discharge except as provided for in Part III.G. of this permit and in accordance with the State Water Control Board's Permit Regulation.

In addition to the reporting requirements in Part III G., each month the permittee is required to report the date of each bypass occurrence, the duration of each bypass occurrence, an estimation of the amount of wastewater discharged during each occurrence, and an estimation of kilograms of BOD₅ discharged during each occurrence. This information shall be reported each month with the Discharge Monitoring Report.

*Where any chlorine language is used, make item B. (above) the next sequential letter. (An example is when the chlorine language items B., C. and D. are used, this item B. will become E.)

**If more than one bypass outfall is to the same receiving stream, state the entire receiving stream name and description for the first outfall, thereafter, list only the name of the receiving stream.

APPENDIX IN -- INDUSTRIAL

E.1. Industrial Permit Cover Page

(PTS generated)

DEQ Letterhead

Permit No. VA00000000

Effective Date:

Expiration Date:

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit.

Owner: (Name of Owner)
Facility Name: (Name of Facility)
City:
County:
Facility Location:

The owner is authorized to discharge to the following receiving stream:

Stream: (Receiving Waters name)
River Basin:
River Subbasin:
Section:
Class:
Special Standards:

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements, Part II - Monitoring and Reporting Requirements, and Part III - Management Requirements, as set forth herein.

Director, Department of Environmental Quality

Date

APPENDIX IN -- INDUSTRIAL

APPENDIX IN -- INDUSTRIAL

E.5. Part II Monitoring and Reporting

Permit No. VA0000000
Part II
Page 1 of 3

MONITORING AND REPORTING

A. Sampling and Analysis Methods

1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.
2. Unless otherwise specified in the permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act as published in the Federal Register (40 CFR Part 136).
3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.
4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The date, exact place and time of sampling or measurements;
2. The person(s) who performed the sampling or measurements;
3. The dates analyses were performed;
4. The person(s) who performed each analysis;
5. The analytical techniques or methods used; and
6. The results of such analyses and measurements.

C. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for three (3) years from the date of the sample, measurement, report or application.

APPENDIX IN -- INDUSTRIAL

E.5. Monitoring and Reporting (cont.)

Permit No. VA0000000
Part II
Page 2 of 3

This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Director, Department of Environmental Quality.

D. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the monitoring report. Such increased frequency shall also be reported.

E. Water Quality Monitoring

The Director, Department of Environmental Quality may require every permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutant(s) on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Clean Water Act or the State Water Control Board's Permit Regulation.

The permittee shall obtain and report such information if requested by the Director, Department of Environmental Quality. Such information shall be subject to inspection by authorized State and Federal representatives and shall be submitted with such frequency and in such detail as requested by the Director, Department of Environmental Quality.

F. Reporting Requirements

1. The permittee shall submit to the Department of Environmental Quality, Water Division Regional Office, at the following address by the 10th of each month for the preceding month's performance, an original monitoring report. In addition, a monthly report covering the facility's general operational data may be required. If this report is required, the permittee will be so notified.

Send report to:

(Name and address of Regional Office.)

2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall

APPENDIX IN -- INDUSTRIAL

E.5. Monitoring and Reporting (cont.)

Permit No. VA0000000.
Part II
Page 3 of 3

submit to the Department of Environmental Quality, Water Division Regional Office with the monitoring report at least the following information:

- a. A description and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times and/or the anticipated time when the noncompliance will cease; and
- c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Whenever such noncompliance may adversely affect State waters or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The Department of Environmental Quality, Water Division Regional Office Director may waive the written report requirement on a case by case basis if the oral report has been received within 24 hours and no adverse impact on State waters has been reported.

3. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter State waters. The permittee shall provide information specified in Part II.F.2.a-c. regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.

Unusual or extraordinary discharge would include but not be limited to (1) unplanned bypasses, (2) upsets, (3) spillage of materials resulting directly or indirectly from processing operations or pollutant management activities, (4) breakdown of processing or accessory equipment, (5) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities or pollutant management activities, or (6) flooding or other acts of nature.

If the Regional Office cannot be reached, the Department of Environmental Quality maintains a 24-hour telephone service in Richmond (804-527-5200) to which the report required above is to be made.

APPENDIX IN -- INDUSTRIAL

E.6. Part III Management Requirements

Permit No. VA0000000
Part III
Page 1 of 10

MANAGEMENT REQUIREMENTS

A. Change in Discharge or Management of Pollutants

1. Any permittee proposing a new discharge or the management of additional pollutants shall submit a permit application at least 180 days prior to commencing erection, construction, or expansion or employment of new pollutant management activities or processes at any facility. There shall be no commencement of treatment or management of pollutants activities until issuance of a permit.
2. All discharges or pollutant management activities authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new application 180 days prior to all expansions, production increases, or process modifications, that will result in new or increased pollutants. The discharge or management of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.
3. The permittee shall promptly provide written notice of the following:
 - a. Any new introduction of pollutant(s), into treatment works or pollutant management activities which represents a significant increase in the discharge or management of pollutant(s) which may interfere with, pass through, or otherwise be incompatible with such works or activities, from an establishment, treatment works, or discharge(s), if such establishment, treatment works, or discharge(s) were discharging or has the potential to discharge pollutants to State waters; and,
 - b. Any substantial change, whether permanent or temporary, in the volume or character of pollutants being introduced into such treatment works by an establishment, treatment works, pollutant management activities, or discharge(s) that was introducing pollutants into such treatment works at the time of issuance of the permit.
 - c. Any reason to believe that any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification

APPENDIX IN -- INDUSTRIAL

E.6. Management Requirements (cont.)

Permit No. VA00000000
Part III
Page 2 of 10

levels":

- (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five times the maximum concentration value reported for the pollutant in the permit application; or
 - (4) The level established in accordance with regulation under Section 307(a) of the Act and accepted by the Director, Department of Environmental Quality.
- d. Any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following "notification levels":
- (1) Five hundred micrograms per liter (500 ug/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application;
 - (4) The level established by the Director, Department of Environmental Quality.

Such notice shall include information on: (1) the characteristics and quantity of pollutants to be introduced into or from such treatment works or pollutant management activities; (2) any anticipated impact of such change in the quantity and characteristics of the pollutants to be discharged from such treatment works or pollutants managed at a pollutant management activity; and (3) any additional information that may be required by the Director, Department of Environmental Quality.

B. Operator Requirements

1. If specified in Part I of this permit, the permittee shall employ or contract at least one operator who holds a current wastewater license appropriate for the permitted facility or the pollutant management activity.
2. The permittee shall notify the Department of Environmental Quality, Water Division Regional Office in writing whenever he is not complying, or has grounds for

APPENDIX IN -- INDUSTRIAL

E.6. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 3 of 10

anticipating he will not comply with the requirements in the above paragraph. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

C. Treatment Works Operation and Quality Control

1. Design and operation of facilities and/or treatment works and disposal of all wastes shall be in accordance with the application filed with the Department of Environmental Quality and in conformity with the conceptual design, or the plans, specifications, and/or other supporting data approved by the Director, Department of Environmental Quality. The approval of the treatment works conceptual design or the plans and specifications does not relieve the permittee of the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design and/or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.
2. All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:
 - a. At all times, all facilities and pollutant management activities shall be operated in accordance with the terms and conditions of the Certificate To Operate (CTO) and/or approved Operation and Maintenance (O&M) Manual, if applicable, and in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to State waters.
 - b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit.
 - c. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring and/or limitation requirements are not violated.
 - d. Collected sludges shall be stored in such a manner as to prevent entry of those wastes (or runoff from the wastes) into State waters, and disposed of in accordance with this permit or plans approved by the Director, Department of Environmental Quality.

APPENDIX IN -- INDUSTRIAL

E.6. Management Requirements (cont.)

Permit No. VA0000000-
Part III
Page 4 of 10

D. Adverse Impact

The permittee shall take all feasible steps to minimize any adverse impact to State waters resulting from noncompliance with any limitation(s) and/or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) and/or conditions.

E. Duty to Halt, Reduce Activity or to Mitigate

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Structural Stability

The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

G. Bypassing

Any bypass ("Bypass - means intentional diversion of waste streams from any portion of a treatment works") of the treatment works herein permitted is prohibited unless:

1. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, the permittee shall notify the Department of Environmental Quality, Water Division Regional Office promptly at least 10 days prior to the bypass. After considering its adverse effects the Department of Environmental Quality, Water Division Regional Office Director may approve an anticipated bypass if:
 - a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can

APPENDIX IN -- INDUSTRIAL

E.6. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 5 of 10

reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.); and

- b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down-time. However, if a bypass occurs during normal periods of equipment down-time, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.
2. Unplanned Bypass - If an unplanned bypass occurs, the permittee shall notify the Department of Environmental Quality, Water Division Regional Office as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in Part III.G.1. above and in light of the information reasonably available to the owner at the time of the bypass.

H. Conditions Necessary to Demonstrate an Upset

A permittee may claim an upset as an affirmative defense to an action brought for noncompliance for only technology-based effluent limitations. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;
2. The facility permitted herein was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;
3. The permittee submitted a notification of noncompliance as required by Part II.F. above; and
4. The permittee took all reasonable steps to minimize or correct any adverse impact to State waters resulting from noncompliance with the permit.

APPENDIX IN -- INDUSTRIAL

E.6. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 6 of 10

I. Compliance With State and Federal Law

Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under Section 307(a) of the Clean Water Act.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other State law or regulation or

APPENDIX IN -- INDUSTRIAL

E.6. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 7 of 10

4. To sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and
5. To inspect at reasonable times any collection, treatment, pollutant management activities or discharge facilities required under this permit.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained herein shall make an inspection time unreasonable during an emergency.

N. Transferability of Permits

This permit may be transferred to another person by a permittee if:

1. The current owner notifies the Department of Environmental Quality, Water Division Regional Office 30 days in advance of the proposed transfer of the title to the facility or property;
2. The notice to the Department of Environmental Quality, Water Division Regional Office includes a written agreement between the existing and proposed new owner containing a specific date of transfer of permit responsibility, coverage and liability between them; and
3. The Department of Environmental Quality does not within the 30-day time period notify the existing owner and the proposed owner of the State Water Control Board's intent to modify or revoke and reissue the permit.

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

O. Public Access to Information

All information pertaining to permit processing or in reference to any source of discharge of any pollutant, shall be available to the public, unless the information has been identified by the applicant as a trade secret, of which the effluent data remain open public information. All information claimed confidential must be identified as such at the time of submission to the Department of Environmental Quality and/or EPA. Otherwise, all information will be made available to the public. Notwithstanding the foregoing, any supplemental information that the Department of Environmental Quality may obtain from filings made under the Virginia Toxics Substance

APPENDIX IN -- INDUSTRIAL

E.6. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 8 of 10

Information Act (TSIA) shall be subject to the confidentiality requirements of TSIA.

P. Permit Modification

The permit may be modified when any of the following developments occur:

1. When additions or alterations have been made to the affected facility which require the application of permit conditions that differ from those of the existing permit or are absent from it;
2. When new information becomes available about the operation, pollutant management activity or discharge covered by this permit which was not available at permit issuance and would have justified the application of different permit conditions at the time of permit issuance;
3. When a change is made in the promulgated standards or regulations on which the permit was based;
4. When it becomes necessary to change final dates in compliance schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Clean Water Act;
5. When a variance is requested and after the granting of the variance by EPA;
6. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of Section 307(a) of the Clean Water Act;
7. When changes occur which are subject to "Reopener Clauses" in the permit;
8. When the permittee requests the Director, Department of Environmental Quality to allow "net limitations" to take into account pollutants in the permittee's intake water and the Director, Department of Environmental Quality agrees to allow the use of net limitations;
9. When changes occur in the development and implementation of a pretreatment program;
10. When the level of discharge of or management of a pollutant not limited in the permit exceeds applicable

APPENDIX IN -- INDUSTRIAL

E.6. Management Requirements (cont.)

Permit No. VA0000000
Part III
Page 9 of 10

Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee;

11. When the permittee begins or expects to begin to use or manufacture any toxic pollutant not reported in the application; and
12. When other States were not notified of the change in the permit and their waters may be affected by the discharge.

Q. Permit Termination

After public notice and opportunity for a hearing, the permit may be terminated on any of the following grounds:

1. The permittee has violated any regulation or order of the State Water Control Board, any condition of a permit, any provision of the Law, or any order of a court, where such violation results in a release of harmful substances into the environment or poses a substantial threat of release of harmful substances into the environment or presents a hazard to human health or the violation is representative of a pattern of serious or repeated violations which in the opinion of the State Water Control Board, demonstrates the permittee's disregard for or inability to comply with applicable laws, regulations or requirements;
2. The permittee has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a permit, or in any other report or document required under applicable laws or regulations;
3. The activity for which the permit was issued endangers human health or the environment and can be regulated to acceptable levels by modification or termination of the permit; or
4. There exists a material change in the basis on which the permit was issued that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit necessary to protect human health or the environment.

R. Civil and Criminal Liability

Except as provided in permit conditions on "bypassing" (Part III.G.), and "upset" (Part III.H.) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

APPENDIX IN -- INDUSTRIAL

E.6. Management Requirements (cont.)

Permit No. VA0000000-
Part III
Page 10 of 10

S. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or Sections 62.1-44.34:14 through 62.1-44.34:23 of the Law.

T. Unauthorized Discharge of Pollutants

Except in compliance with this permit, it shall be unlawful for any permittee to:

1. Discharge into State waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such State waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

APPENDIX IN -- INDUSTRIAL

E.6. Management Requirements (cont.)

Permit No. VA0000000~
Part III
Page 10 of 10

APPENDIX IN -- INDUSTRIAL

**1.c. Aquatic Animal Production Facilities (cont.)
Part I B Special Conditions**

Permit No. VA0000000
Part I
Page of

B. Other Requirements or Special Conditions

1. Standard EPA Industrial Reopener Clause

2. The permittee shall submit an annual report of their solids handling and disposal activities.

3. This special condition shall be included in permits for all existing facilities. Within 60 days of the (effective) (modification) date of this permit, the permittee shall submit for approval to the DEQ, Water Division _____ Regional Office a solids handling and disposal plan. Upon approval, this plan shall become an enforceable part of this permit.

Note: For proposed or new sources, the application should include a solids handling and disposal plan.

APPENDIX IN -- INDUSTRIAL

2. Bulk Oil Storage

a. Permitting Strategy

- (1) The purpose of the Bulk Oil Storage Facility Ground Water Monitoring program is to determine if the activities at a site are resulting in violations of the Board's Groundwater Standards. The groundwater monitoring program should concentrate on at least the two following parameters: Total Petroleum Hydrocarbons (TPH), and Total Organic Carbon (TOC). These parameters should provide an indication of the presence of pollution from these facilities, plus numeric values with which a comparison can be made in order to evaluate the amount of pollution present and the need for remediation.
- (2) In light of the recent concern of tank bottom discharges, traditional effluent limits are not considered adequate for protecting State Waters. On the following pages titled "Bulk Oil Terminals", new limits and special condition pages are provided and shall be used for all new and reissued Bulk Oil Storage Terminal and Pipeline Terminal VPDES permits. The application of these new limits and conditions is to be directed towards what are considered to be large bulk oil terminals or distribution centers, and pipeline terminals. Currently these limits and conditions do not apply to smaller local jobbers unless there is a demonstrated problem.

The limits formerly used were based on the assumption that the effluent was classified as stormwater runoff. This assumption is now considered to be incorrect for two reasons. First, Bulk Oil storage terminals that have a discharge excluding tank bottoms should have their effluent classified as contaminated stormwater runoff. Secondly, tank bottom discharges should be classified as process wastewater due to their high level of pollutants. The attached effluent conditions were obtained by considering the guidelines established for the Petroleum, Refining Industrial Category and the Guide for the Application of Effluent Limitation Guidelines for the Petroleum Refining Industry. The limits are appropriate due to the classification of the effluent as contaminated stormwater and process wastewater. While all of the limits found in the Petroleum Refining Industry Guidelines are not transferable to Bulk Oil Storage terminals, the DEQ's interpretation and use of them on the attached limits page is adequate and justified. It is important to note that TOC was established as a staff BPJ of BAT limit.

APPENDIX IN -- INDUSTRIAL

2.C. Bulk Oil Terminals Part I B. Special Conditions

Permit No. VA0000000
Part I
Page of

B. Other Requirements or Special Conditions

1. Standard EPA Industrial Reopener Clause

2. The "monthly average" limitation for oil and grease in Part I A. 1. above, shall be deemed to have been exceeded if either:
 - a. The arithmetic average of the analysis of all representatives samples taken during a calendar month by the permittee in accordance with the monitoring requirements set forth above exceed 30 mg/l; or
 - b. The analysis of any two representative grab samples taken by the State at least six (6) hours apart during any consecutive thirty (30) day period each individually exceed 30 mg/l.

Each sample taken by either the permittee or the State shall be presumed to be representative. However, due to the variability of the sampling and analysis of oil and grease discharged from petroleum marketing terminals, the permittee may in good faith declare a maximum of 10 percent of the samples taken by it during a calendar year to be nonrepresentative. No sample may be excluded if it is the only sample taken by the permittee during a calendar month. Such a declaration must be included in writing with the next Discharge Monitoring Report submitted in accordance with the permit, and must include the results of the analysis of the excluded sample and a written explanation for the exclusion of that sample. If any sample is so excluded, the "monthly average" concentration shall be the arithmetic average of the analyses of the remaining non-excluded samples.

Report the sample analysis on the DMR under monthly average.

3. This permit presently imposes no limit on the discharge of storm runoff uncontaminated by any industrial or commercial activity and not discharged through any oil-water separator or other treatment equipment or facility. However, this permit may be modified or alternatively revoked and reissued to reflect any future storm water regulations.

APPENDIX IN -- INDUSTRIAL

2.c Bulk Oil Terminals Part I B. Special Conditions (cont.)

Permit No. VA00000000
Part I
Page of

4. TPH Requirements

- a. TPH shall be monitored once every three months for a period of 2 years commencing within 60 days of the (effective) (modification) date of this permit. After 2 years, or after a total of 8 analyses which are determined by the DEQ, Water Division staff to be representative of the discharge, are obtained, the permittee may request that the monitoring frequency be reduced to no less than once per year. The DEQ, Water Division may approve this reduction in monitoring frequency by letter from the DEQ, Water Division Regional Director. This permit may be modified or alternatively revoked and reissued to reflect the results of the TPH monitoring.
- b. Sampling of Oil and Grease, TOC, TPH, and pH shall be conducted within the first hour of the first day of discharge in each monitoring period in which there is a discharge. If this cannot be accomplished, the sample shall be taken as soon as possible after the discharge commences.

5. TMP to be inserted (Bulk Oil Storage facilities will be required to conduct toxic monitoring because they discharge contaminated stormwater. The specific conditions of the TMP will be determined by OWRM-Toxics. Applications, fact sheets, and draft permits should be sent to OWRM for review.)

6. Groundwater Monitoring

Within 90 days of the effective (modification) date of this permit, the permittee shall submit to the DEQ, Water Division's Regional Office a groundwater monitoring program. The purpose of this program will be to determine if the activities at this site are resulting in violations of the State Water Control Board's Groundwater Standards. This program may be approved by the Director of the DEQ, Water Division Regional Office. Once approved, this program shall become an enforceable condition of this permit.

APPENDIX IN -- INDUSTRIAL

G.2 Bulk Oil Storage (cont.)

g. Bulk Oil Terminal - Jobber Type
Part I B. Special Conditions

Permit No. VA00000000
Part I
Page of

4. TPH shall be monitored once every six months for a period of 4 years commencing within 60 days of the (effective) (modification) date of this permit. After 4 years, or after a total of 8 analyses which are determined by the DEQ, Water Division staff to be representative of the discharge, are obtained, the permittee may request that the monitoring frequency be reduced to no less than once per year. The DEQ, Water Division may approve this reduction in monitoring frequency by letter from the DEQ, Water Division Regional Director. This permit may be modified or alternatively revoked and reissued to reflect the results of the TPH monitoring.
5. Sampling of Oil and Grease, TPH, and pH shall be conducted within the first hour of the first day of discharge in each monitoring period in which there is a discharge. If this cannot be accomplished, the sample shall be taken as soon as possible after the discharge commences.

APPENDIX IN -- INDUSTRIAL

F.3. Car Wash Establishments Part I A. Effluent Limits

Permit No.
Page of

PART I

Car Wash Establishments

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s) serial number(s)

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	kg/day			Frequency	
	Monthly Avg.	Daily Max.	Monthly Avg. Daily Max.	Frequency	Sample Type
Flow (MGD)	MA	MA	ML	1/Month	Estimate
Total Suspended Solids	MA	MA	MA	1/Month	5G/BNC
Oil and Grease	MA	MA	MA	1/3 Months	Grab
Temperature	MA	MA	MA	1/Month	Immersion Stabilization

5G/BNC - Eight hour composite - consisting of grab samples collected at hourly intervals until the discharge ceases or until a minimum of 5 grab samples have been collected.

ML = No Limitation
MA = Not Applicable

2. The discharge shall have a pH value between " and " at all times and shall be monitored (frequency) by (sample type)
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Include pH values which will maintain Water Quality Standards in the receiving waters.

4.a. Coin Operated Laundries

Part I A. Effluent Limits

Permit No.
Page of

PART I

Coin Operated Laundries

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s) serial number(s)

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	kg/day			Other Units		
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.	Frequency	Sample Type
Flow (MGD)	MA	MA	ML	ML	1/Month	Estimate
BOD ₅	MA	MA	MA	**60 mg/l	1/Month	Grab
Total Suspended Solids	MA	MA	MA	65 mg/l	1/Month	Grab
Temperature	MA	MA	MA	(Maximum to be based on stream standards)	1/Month	Immersion Stabilization
Fecal Coliform	MA	MA	MA	400 N/CM		Grab
Total Residual Chlorine ** (TRC)	MA	MA	MA	1.5 mg/l (daily min.) (PWS or Shellfish Waters)	1/Month	Grab
	MA	MA	MA	1.0 mg/l (daily min.) (other waters)	1/Month	Grab

ML = No Limitation
MA = Not Applicable

- The discharge shall have a pH value between ** and ** at all times and shall be monitored (frequency) by (sample type)
- There shall be no discharge of floating solids or visible foam in other than trace amounts.
- Include when discharge is into shellfish waters and public water supply areas.
** Include BOD, TRC and pH values which will maintain Water Quality Standards in the receiving waters.

APPENDIX IN -- INDUSTRIAL

4.b. Coin Operated Laundries Part I B. Special Conditions

Permit No. VA0000000
Part I
Page of

B. Other Requirements or Special Conditions

1. **Standard EPA Industrial Reopener Clause**
2. **Operations and Maintenance Manual**

The permittee will develop an operations and maintenance manual for the treatment system. This manual will address as a minimum, treatment system design, treatment system operation, maintenance of each unit within the treatment system, critical spare parts inventory and recordkeeping. A copy of the manual will be submitted to the DEQ, Water Division Regional Office for staff review within 90 days of the effective date of this permit. Once approved, the permittee shall operate and maintain the treatment system in accordance with the manual which becomes an enforceable part of the permit.

3. Monitoring Frequency Reduction.

(Note: If the monitoring frequency is already quarterly, do not include this paragraph.)

If the permittee can demonstrate compliance with all limitations contained within this permit for a minimum of six (6) consecutive months, the staff may consider a permit modification to reduce the monitoring frequency to once per quarter.

APPENDIX IN -- INDUSTRIAL

9.d. WTP Part I C. schedule of Compliance

Permit No. VA0000000
Part I
Page of

C. Schedule of Compliance

The permittee shall achieve compliance with the final effluent limitations specified in Part I D. of this permit in accordance with the following schedule:

- | | |
|---|--|
| 1. Select engineering firm for design of facilities | Within 90 days after the (effective) (modification) date of the permit. |
| 2. Submit Conceptual Engineering Report | Within 210 days after the (effective) (modification) date of the permit. |
| 3. Commence construction | Within 90 days after approval of #2. |
| 4. Submit progress report | Within two years after the (effective) (modification) date of the permit. |
| 5. Complete construction | No later than three years after the (effective) (modification) date of the permit. |
| 6. Achieve compliance with Part I D. | Within 30 days of #5. |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office, either a report of progress or, in the case of specific actions being required by identified dates, a written notice if compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

APPENDIX IN -- INDUSTRIAL

9.d. WTP

Part I C. Schedule of Compliance

Permit No. VA00000000

Part I

Page of

D. Final Total Suspended Solids (TSS) Effluent Limitations

	Monthly Avg.	Daily Max.
Total Suspended Solids:	30 mg/l	60 mg/l

The monitoring requirements for these limitations are provided in Part I A.

APPENDIX IN -- INDUSTRIAL

5.a. Samples \geq 1/day, limits not met

Permit No. VA00000000
Part I
Page of

B. Interim Total Residual Chlorine (TRC) Effluent Limitations

1. During the period beginning with the permit's (effective) (modification) date and lasting until the achievement of compliance with the final TRC limitations in Part I D., in accordance with the schedule of compliance contained in this permit in Part I C., the permittee is authorized to discharge from outfall(s) serial number(s):

Such discharge shall be limited and monitored by the permittee as specified below:

No single TRC analysis shall exceed _____ mg/l at any time.

APPENDIX IN -- INDUSTRIAL

5.a. Samples \geq 1/day, limits not met (cont.)

Permit No. VA00000000
Part I
Page of

C. Schedule of Compliance

The permittee shall achieve compliance with the final Total Residual Chlorine (TRC) limitation(s) specified in this permit in accordance with the following schedule:

- | | |
|--|--|
| 1. Initiate Design of Facilities | Within 30 days after the (modification) (effective) date of the permit |
| 2. Submit plans to DEQ, Water Division Regional Office | Within 90 days of #1 |
| 3. Commence Construction | Within 30 days of approval of plans |
| 4. Complete Construction | Within 120 days of #3 |
| 5. Achieve Compliance with Part I D. | Within 30 days of #4 |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial action taken, and the probability of meeting the next scheduled requirement.

APPENDIX IN -- INDUSTRIAL

- 5.a. Samples \geq 1/day, limits not met
(Non-detectable)

Permit No. VA0000000
Part I
Page of

D. Final Total Residual Chlorine (TRC) Effluent Limitations and Monitoring Requirements

1. The TRC concentration in the final effluent from this facility shall be non-detectable. This TRC concentration shall be measured using one of the following procedures:
 - a. DPD Titration
 - b. DPD Colorimetric
 - c. Iodate Back Titration (Starch)
 - d. Amperometric Direct Titration
 - e. Any proven and EPA accepted method that can reach an equal level of detection.
2. When the TRC concentration in the final effluent results in a detectable measurement, the permittee shall take immediate steps to achieve a non-detectable concentration. Where the TRC concentration is within the limit of D.3., the permittee shall also take up to two additional grab samples within one hour of the original sample. The first of these additional samples shall be taken within 45 minutes after the original sample. Should this TRC sample measurement indicate a non-detectable concentration, then the original sample shall be considered as being in compliance with the permit limit in D.1.. Should this TRC sample measurement indicate a detectable concentration within the limit of D.3., then a second additional sample shall be taken within 15 minutes after the first additional sample, but within one hour of the original sample. If the second of these additional sample measurements indicates a non-detectable TRC concentration, then the original and the first additional sample shall be considered as being in compliance with the permit limitation in D.1.. Should this second additional sample measurement indicate a detectable TRC concentration, then the original sample will be considered as exceeding the permit limitation in D.1.. Should more than one sample be collected, only the original sample shall be considered for permit violation.

APPENDIX IN -- INDUSTRIAL

- 5.a. Samples \geq 1/day, limits not met
(Non-detectable) (cont.)

Permit No. VA00000000
Part I
Page of

The permittee shall report all results of the above monitoring scheme with the monthly Discharge Monitoring Report (DMR).

3. The instantaneous maximum TRC concentration in the final effluent shall not exceed 1.0 mg/l.
4. Where applicable the permittee shall operate the dechlorination facilities in a manner which will ensure continuous compliance with the TRC concentration in D.1., but not to the extent that will result in violations of other permitted effluent characteristics, or the Water Quality Standards.
5. In the event that an alternative to chlorination as a disinfection method is chosen, the TRC limitation shall no longer be required.

APPENDIX IN -- INDUSTRIAL

- 5.a. Samples \geq 1/day, limits not met
(Detectable)

Permit No. VA00000000
Part I
Page of

D. Final Total Residual Chlorine (TRC) Effluent Limitations and Monitoring Requirements

1. The hourly average concentration of TRC in the final effluent shall not exceed mg/l.
2. When the TRC concentration in the final effluent exceeds the concentration in D.1., the permittee shall take immediate steps to achieve the required TRC concentration. If the TRC concentration in D.1. is exceeded, the permittee shall also take within one hour after the original sample measurement at least one additional sample measurement for TRC. If the average of the two samples does not meet the TRC concentration in D.1., then additional sampling and/or adjustments may be made by the permittee within the one hour period with the objective of achieving the required TRC concentration. For purposes of this permit if more than one sample measurement is taken during the one hour period and the average of all these samples still exceeds the TRC concentration in D.1., only the original sample will be considered for permit violation. When the average of these samples meets the TRC concentration in D.1., this shall be considered as being in compliance.

The permittee shall report all results of the above monitoring program to the appropriate DEQ, Water Division Regional Office with the monthly DMR.

3. Where applicable the permittee shall operate the dechlorination facilities in a manner which will ensure continuous compliance with the TRC concentration in D.1., but not to the extent that will result in violations of other permitted effluent characteristics, or Water Quality Standards.
4. In the event that an alternative to chlorination as a disinfection method is chosen, the TRC limitation shall no longer be required.

APPENDIX IN -- INDUSTRIAL

5.b. Sampling \geq Once per Day, Final Limits Met

Permits where the sampling frequency is equal to or more frequent than once per day and are achieving final limits or shall be required to achieve final limits at the time of permit action, shall use:

- (1) PART I A. Effluent Limitations and Monitoring Requirements Page IN-95
- (2) PART I B. Final Total Residual Chlorine (TRC) Effluent Limitations and Monitoring Requirements
Non-detectable Page IN-96
- (3) PART I B. Final Total Residual Chlorine (TRC) Effluent Limitations and Monitoring Requirements
Detectable Page IN-98

5.b. Samples \geq 1/day, limits met

INDUSTRIAL

Permit No.
Page of

PART I

(where Chlorine is used, sampling \geq once per day and the final permit limits can be met)

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s) serial number(s)

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	kg/day	Other Units	frequency	Sample Type
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.
Flow (MGD)	MA	MA	ML	ML
Total Residual Chlorine (TRC)(mg/l)	MA	MA	MA	MA
Fecal Coliform (if applicable)				Grab

ML = No Limitation
MA = Not Applicable

2. See Part I B. for final TRC limitations.
3. The discharge shall have a pH value between * and * at all times and shall be monitored (frequency) by (sample type)
4. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* include pH values which will maintain Water Quality Standards in the receiving waters.

APPENDIX IN -- INDUSTRIAL

5.b. Samples \geq 1/day, limits met (Non-detectable)

Permit No. VA0000000
Part I
Page of

B. Final Total Residual Chlorine (TRC) Effluent Limitations and Monitoring Requirements

1. The TRC concentration in the final effluent from this facility shall be non-detectable. This TRC concentration shall be measured using one of the following procedures:
 - a. DPD Titration
 - b. DPD Colorimetric
 - c. Iodate Back Titration (Starch)
 - d. Amperometric Direct Titration
 - e. Any proven and EPA accepted method that can reach an equal level of detection.
2. When the TRC concentration in the final effluent results in a detectable measurement, the permittee shall take immediate steps to achieve a non-detectable concentration. Where the TRC concentration is within the limit of B.3., the permittee shall also take up to two additional grab samples within one hour of the original sample. The first of these additional samples shall be taken within 45 minutes after the original sample. Should this TRC sample measurement indicate a non-detectable concentration, then the original sample shall be considered as being in compliance with the permit limit in B.1.. Should this TRC sample measurement indicate a detectable concentration within the limit of B.3., then a second additional sample shall be taken within 15 minutes after the first additional sample, but within one hour of the original sample. If the second of these additional sample measurements indicates a non-detectable TRC concentration, then the original and the first additional sample shall be considered as being in compliance with the permit limitation in B.1.. Should this second additional sample measurement indicate a detectable TRC concentration, then the original sample will be considered as exceeding the permit limitation in B.1.. Should more than one sample be collected, only the original sample shall be considered for permit violation.

APPENDIX IN -- INDUSTRIAL

5.b. Samples \geq 1/day, limits met
(Non-detectable) (cont.)

Permit No. VA00000000
Part I
Page of

The permittee shall report all results of the above monitoring scheme with the monthly Discharge Monitoring Report (DMR).

3. The instantaneous maximum TRC concentration in the final effluent shall not exceed 1.0 mg/l.
4. Where applicable the permittee shall operate the dechlorination facilities in a manner which will ensure continuous compliance with the TRC concentration in B.1., but not to the extent that will result in violations of other permitted effluent characteristics, or the Water Quality Standards.
5. In the event that an alternative to chlorination as a disinfection method is chosen, the TRC limitation shall no longer be required.

APPENDIX IN -- INDUSTRIAL

- 5.b. Samples \geq 1/day, limits met
(Detectable)

Permit No. VA00000000
Part I
Page of

B. Final Total Residual Chlorine (TRC) Effluent Limitations and Monitoring Requirements

1. The hourly average concentration of TRC in the final effluent shall not exceed mg/l.
2. When the TRC concentration in the final effluent exceeds the concentration in B.1., the permittee shall take immediate steps to achieve the required TRC concentration. If the TRC concentration in B.1. is exceeded, the permittee shall also take within one hour after the original sample measurement at least one additional sample measurement for TRC. If the average of the two samples does not meet the TRC concentration in B.1., then additional sampling and/or adjustments may be made by the permittee within the one hour period with the objective of achieving the required TRC concentration. For purposes of this permit if more than one sample measurement is taken during the one hour period and the average of all these samples still exceeds the TRC concentration in B.1., only the original sample will be considered for permit violation. When the average of these samples meets the TRC concentration in B.1., this shall be considered as being in compliance.

The permittee shall report all results of the above monitoring program to the appropriate DEQ, Water Division Regional Office with the monthly DMR.

3. Where applicable the permittee shall operate the dechlorination facilities in a manner which will ensure continuous compliance with the TRC concentration in B.1., but not to the extent that will result in violations of other permitted effluent characteristics, or Water Quality Standards.
4. In the event that an alternative to chlorination as a disinfection method is chosen, the TRC limitation shall no longer be required.

APPENDIX IN -- INDUSTRIAL

5.c. Samples < 1/day, limits not met

Permit No. VA0000000
Part I
Page of

B. Interim Total Residual Chlorine (TRC) Effluent Limitations

1. During the period beginning with the permit's (effective) (modification) date and lasting until the achievement of compliance with the final TRC limitations in Part I A., in accordance with the schedule of compliance contained in this permit in Part I C., the permittee is authorized to discharge from outfall(s) serial number(s)

Such discharge shall be limited and monitored by the permittee as specified below:

No single TRC analysis shall exceed _____ mg/l at any time.

APPENDIX IN -- INDUSTRIAL

5.c. Samples < 1/day, limits not met (cont.)

Permit No. VA00000000
Part I
Page of

C. Schedule of Compliance

The permittee shall achieve compliance with the final Total Residual Chlorine (TRC) limitation(s) specified in this permit in accordance with the following schedule:

- | | |
|--|---|
| 1. Initiate Design of Facilities | Within 30 days after the (modification)(effective) date of the permit |
| 2. Submit plans to DEQ, Water Division Regional Office | Within 90 days of #1 |
| 3. Commence Construction | Within 30 days of approval of plans |
| 4. Complete Construction | Within 120 days of #3 |
| 5. Achieve Compliance with Part I A. | Within 30 days of #4 |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial action taken, and the probability of meeting the next scheduled requirement.

APPENDIX IN -- INDUSTRIAL

5.e. Endangered/Threatened Species waters or Natural Trout Streams

Permit No. VA00000000
Part I
Page of

C. Schedule of Compliance

The permittee shall achieve compliance with the elimination of chlorine and other halogen compounds in Part I A.2. as specified in this permit in accordance with the following schedule:

- | | |
|--|---|
| 1. Initiate Design of Facilities | Within 30 days after the (modification)(effective) date of the permit |
| 2. Submit plans to DEQ, Water Division Regional Office | Within 90 days of #1 |
| 3. Commence Construction | Within 30 days of approval of plans |
| 4. Complete Construction | Within 120 (*180) days of #3 |
| 5. Achieve Compliance with Part I A. | Within 30 days of #4 |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial action taken, and the probability of meeting the next scheduled requirement.

- * 180 days is applicable only for facilities where dechlorination facilities have been installed.

5.e. Endangered/Threatened Species waters or Natural Trout Streams

Permit No.
Page of

PART I

(Flow ≥ 0.02 MGD, where Chlorine is used for purposes other than disinfection and the discharge is into Endangered/Threatened Species or Natural Trout Waters)

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s) serial number(s)

such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	kg/day	Other Units		Frequency	Sample Type
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.	

Flow (MGD)

MA

MA

ML

ML

ML = No limitation
MA = Not Applicable

2. Chlorine or other halogen compounds shall not be used for disinfection or other wastewater treatment purposes including biocide applications. Interim Total Residual Chlorine (ITRC) effluent limitations and monitoring requirements shall be in accordance with Part I B. and Part I C. (use when applicable).
3. The discharge shall have a pH value between * and * at all times and shall be monitored (frequency) by (sample type)
4. There shall be no discharge of floating solids or visible foam in other than trace amounts.

* Include pH values which will maintain Water Quality Standards in the receiving waters.

APPENDIX IN -- INDUSTRIAL

5.e. Endangered/Threatened Species waters or Natural Trout Streams
(Detectable)

Permit No. VA0000000
Part I
Page of

B. Interim Total Residual Chlorine (TRC) Effluent Limitations and Monitoring Requirements

During the period beginning with the permit's (effective) (modification) date and lasting until the achievement of compliance with the elimination of chlorine and other halogen compounds in Part I A.2., in accordance with the schedule of compliance contained in this permit in Part I C., the permittee is authorized to discharge from outfall(s) serial number(s)

Such discharge shall be limited and monitored by the permittee as specified below:

1. The hourly average concentration of TRC in the final effluent after dechlorination shall not exceed (existing dechlorination limit).
2. The sampling frequency and type shall be (frequency) by grab sample.
3. When the TRC concentration in the final effluent exceeds the concentration in B.1., the permittee shall take immediate steps to achieve the required TRC concentration. If the TRC concentration in B.1. is exceeded, the permittee shall also take within one hour after the original sample measurement at least one additional sample measurement for TRC. If the average of the two samples does not meet the TRC concentration in B.1., then additional sampling and/or adjustments may be made by the permittee within the one hour period with the objective of achieving the required TRC concentration. For purposes of this permit if more than one sample measurement is taken during the one hour period and the average of all these samples still exceeds the TRC concentration in B.1., only the original sample will be considered for permit violation. When the average of these samples meets the TRC concentration in B.1. this shall be considered as being in compliance.

The permittee shall report all results of the above monitoring program to the appropriate DEQ, Water Division Regional Office with the monthly DMR.

4. Where applicable the permittee shall operate the dechlorination facilities in a manner which will ensure continuous compliance with the TRC concentration in B.1., but not to the extent that will result in violations of other permitted effluent characteristics, or Water Quality Standards.

APPENDIX IN -- INDUSTRIAL

5.e. Endangered/Threatened Species waters or Natural Trout Streams (Non-detectable)

Permit No. VA0000000
Part I
Page of

B. Interim Total Residual Chlorine (TRC) Effluent Limitations and Monitoring Requirements

During the period beginning with the permit's (effective) (modification) date and lasting until the achievement of compliance with the elimination of chlorine and other halogen compounds in Part I A.2., in accordance with the schedule of compliance contained in this permit in Part I C., the permittee is authorized to discharge from outfall(s) serial number(s)

Such discharge shall be limited and monitored by the permittee as specified below:

1. The TRC concentration in the final effluent after de-chlorination from this facility shall be non-detectable. This TRC concentration shall be measured using one of the following procedures:
 - a. DPD Titration
 - b. DPD Colorimetric
 - c. Iodate Back Titration (Starch)
 - d. Amperometric Direct Titration
 - e. Any proven and EPA accepted method that can reach an equal level of detection.
2. When the TRC concentration in the final effluent results in a detectable measurement, the permittee shall take immediate steps to achieve a non-detectable concentration. Where the TRC concentration is within the limit of B.3., the permittee shall also take up to two additional grab samples within one hour of the original sample. The first of these additional samples shall be taken within 45 minutes after the original sample. Should this TRC sample measurement indicate a non-detectable concentration, then the original sample shall be considered as being in compliance with the permit limit in B.1. Should this TRC sample measurement indicate a detectable concentration within the limit of B.3., then a second additional sample shall be taken within 15 minutes after the first additional sample, but within one hour of the original sample. If the second of these additional sample measurements indicates a non-detectable

APPENDIX -- INDUSTRIAL

H.6 Phosphorus Limits Part I C. Schedule of Compliance

Permit No. VA00000000
Part I
Page of

C. Schedule of Compliance (Phosphorus only)

The permittee shall achieve compliance with the final Total Phosphorus limitation in Part I A.1. as specified in this permit in accordance with the following schedule:

- | | |
|--|---|
| 1. Initiate Design of Facilities | Within 30 days after the (modification) (effective) date of the permit |
| 2. Submit plans to DEQ, Water Division Regional Office | Within 90 days of #1 |
| 3. Commence Construction | Within 30 days of approval of plans |
| 4. Progress Report* | Within 12 months of commencing construction and every 12 months thereafter until construction is completed. |
| 5. Complete Construction | Within 29 months of #3 |
| 6. Achieve Compliance with Final Effluent Limitations | 30 days after completion of construction |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial action taken, and the probability of meeting the next scheduled requirement.

* Progress reports shall be sent at a maximum of 12 months, lesser time intervals can also be used.

APPENDIX -- INDUSTRIAL

H.7 Phosphorus & Nitrogen Limits Part I C. Schedule of Compliance

Permit No. VA00000000
Part I
Page of

C. Schedule of Compliance (Phosphorus & Nitrogen)

The permittee shall achieve compliance with the final Total Phosphorus and Total Nitrogen limitations in Part I A.1. as specified in this permit in accordance with the following schedule:

- | | |
|--|---|
| 1. Initiate Design of Facilities | Within 30 days after the (modification) (effective) date of the permit |
| 2. Submit plans to DEQ, Water Division Regional Office | Within 90 days of #1 |
| 3. Commence Construction | Within 30 days of approval of plans |
| 4. Progress Report* | Within 12 months of commencing construction and every 12 months thereafter until construction is completed. |
| 5. Complete Construction | Within 41 months of #3 |
| 6. Achieve Compliance with Final Effluent Limitations | 30 days after completion of construction |

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ, Water Division Regional Office either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial action taken, and the probability of meeting the next scheduled requirement.

* Progress reports shall be sent at a maximum of 12 months, lesser time intervals can also be used.

APPENDIX -- INDUSTRIAL

J.2. Bypass Points Part I B. Other Requirements

Permit No. VA00000000
Part I
Page of

*B. Other Requirements or Special Conditions

The following outfall(s) (is) (are) hereby recognized in this permit as (a) bypass point(s):

<u>Name of</u> <u>Bypass Location</u>	<u>serial number</u>	<u>Outfall</u> <u>Receiving Waters</u>
--	----------------------	---

**name;; basin;;
subbasin;;
section;;
class;;
special standards;;

These (this) outfall(s) are not authorized to discharge except as provided for in Part III.G. of this permit and in accordance with the State Water Control Board's Permit Regulation.

In addition to the reporting requirements in Part III G., each month the permittee is required to report the date of each bypass occurrence, the duration of each bypass occurrence, an estimation of the amount of wastewater discharged during each occurrence, and an estimation of kilograms of BOD₅ discharged during each occurrence. This information shall be reported each month with the Discharge Monitoring Report.

*Where any chlorine language is used, make item B. (above) the next sequential letter. (An example is when the chlorine language items B, C, and D. are used, this item B. will become E.) See Section III, Prepare Draft Permit, for additional instructions.

**If more than one bypass outfall is to the same receiving stream, state the receiving stream name and description for the first stream, thereafter, list only the name of the receiving stream.